

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5

In the Matter of:

AUDIO VISUAL SERVICES GROUP, INC.
d/b/a PSAV PRESENTATION SERVICES,

Employer,

and

**INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE EMPLOYEES,
AFL-CIO, LOCAL 22,**

Petitioner.

Case No. **05-RC-232347**

The continuation of the above-entitled matter came on for hearing pursuant to notice, before **ANDREW ANDELA**, Hearing Officer, at the **National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., on Friday, December 21, 2018, at 9:00 a.m.**

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	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
1						
2						
3						
4						
5	Christopher T. Ruble	575	650	694	--	588
6						606
7						615
8						615
9						
10	Thomas F. Allen Jr.	698	723	--	--	--
11						
12	Matt Jones	737	747	764	--	--
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14	Patrick Wallace	766	--	--	--	--
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16	Kevin Wanamaker	774	783	786	--	775
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1		<u>E X H I B I T S</u>	
2	<u>EXHIBITS</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
3	EMPLOYER'S		
4	E-14	684	686
5	E-15	751	752
6	E-16 and E-17	774	778
7			
8	PETITIONER'S		
9	P-10	586	597
10	P-11 through P-13	605	614
11	P-14	614	616
12	P-15	616	618
13	P-16	618	620
14	P-17	623	626
15	P-17 (substitute)	788	788
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P R O C E E D I N G S

(Time Noted: 9:12 a.m.)

1 HEARING OFFICER ANDELA: All right. We are on Day 3 of
2 the pre-election hearing in Case 5-RC-232347, Audio Visual
3 Services Group, LLC.

4 And, Petitioner, you may call the next witness.

5 MS. SIMON: Thank you. The Union calls Christopher
6 Ruble.

7 HEARING OFFICER ANDELA: Good morning. Please raise
8 your right hand.

9 (Whereupon,

10 **CHRISTOPHER T. RUBLE**

11 was called as a witness by and on behalf of the Petitioner
12 and, after being first duly sworn, was examined and
13 testified as follows:)

14 **DIRECT EXAMINATION**

15 Q. BY MS. SIMON: Good morning. Please state your name for
16 the record.

17 A. Christopher Thomas Ruble.

18 Q. And who are you currently employed by?

19 A. I am a part-time rigger for PSAV.

20 Q. And have you held other positions besides a rigger
21 during your employment at PSAV?

22 A. No.

23 Q. How long have you been employed as a part-time rigger?

1 A. About 3 years.

2 Q. And when you say part time, can you tell us what your
3 hours are?

4 A. Week to week, it varies from zero to 60 or 70 sometimes,
5 but I believe it's that I average more than 20 but less than
6 40 hours per week across a year.

7 Q. And can you give us an overview of the responsibilities
8 of your position as a rigger?

9 A. Sure. Riggers are responsible for the safe maintenance
10 and installation, setting and striking, of all rigging
11 equipment on the jobsite. Specifically, it tends to be
12 troughs or chain hoists and span sets and shackles, the
13 material that we use to suspend equipment from the ceiling
14 of whatever building we happen to be working at.

15 Q. And when you say suspend equipment from the ceiling, is
16 that just the ceiling of any given room?

17 A. No. So in most of the rooms that I work in have
18 permanent points, typically welded to the structure of the
19 building itself, sometimes bolted, not always bolted.

20 Q. And are those permanent points typically overhead?

21 A. Yes.

22 Q. In the ceiling?

23 A. Yes, they are.

24 Q. Can you tell us about your prior employment history in
25 the industry?

1 A. Sure. I started in the industry close to 15 years ago
2 as a stagehand and began rigging about 10 years ago. I
3 started -- I guess my first real rigging job was at Fisher
4 Theatrical (ph.). We were installing counterweight systems
5 in theaters. I also have been employed as a rigger in a
6 variety of freelance positions for a dozen different
7 companies in this city, and I've also had the opportunity to
8 rig internationally.

9 Q. And can you describe the work you did as a rigger in the
10 industry before being employed with PSAV?

11 A. Sure. So theater rigging is a little bit different than
12 what I do for PS. It's mostly counterweight systems. We
13 have a theater at the Gaylord, but most of my time is spent
14 doing more what we would call arena rigging, which is much
15 more relying on chain weights and trusses to move equipment
16 above people.

17 Q. And are you familiar with the term "superstructure of
18 the building"?

19 A. Yes.

20 Q. What does that mean?

21 A. That's typically the steel structure that supports the
22 building itself, and also the drop ceiling, like what we're
23 sitting below now, so above this would be some form of steel
24 or concrete that is the real infrastructure of the building
25 itself.

1 Q. How does that relate to your work as a rigger?

2 A. We connect our equipment, either directly to that
3 superstructure or to things that are directly connected to
4 that structure.

5 Q. Such as?

6 A. So we will use wire rope, run around -- they're called
7 roof trusses or ceiling trusses, but the steel that's used
8 to support, so we'll run wire rope across that or there
9 are -- it will be more of a temporary thing. They can be
10 permanently installed. Permanently installed often are
11 welded to the structural steel or bolted and chemical
12 anchored in the concrete.

13 Q. There's been a lot of testimony about the many
14 properties that PSAV works in in the metro area. Do you
15 have a home property?

16 A. I do. It's the Gaylord.

17 Q. And how much of your time as a PSAV employee would you
18 say you spend working at the Gaylord?

19 A. If I had to estimate, I'd say about 80 percent.

20 Q. Does PSAV have an exclusive arrangement for rigging with
21 the Gaylord?

22 A. As far as I'm aware, yes.

23 Q. And what does that mean?

24 A. It means that anybody who is not a PSAV employee is
25 forbidden from doing any rigging work anywhere in the

1 building.

2 Q. And, again, what is rigging work?

3 A. It is suspending equipment from these points in the
4 ceiling.

5 Q. And when you say anyone who is not an PSAV employee, can
6 the folks who have been described throughout this proceeding
7 as audio visual technicians use the permanent points at the
8 Gaylord?

9 A. They do not.

10 Q. Do the riggers use the permanent points?

11 A. We do.

12 Q. Does anyone besides the riggers use the permanent
13 points?

14 A. Not as far as I'm aware.

15 Q. Does anyone attach things directly to the permanent
16 points?

17 A. I don't believe so.

18 Q. Does PSAV have a similar exclusive arrangement for AV
19 audio visual technician services at the Gaylord?

20 A. No.

21 Q. And how do you know that?

22 A. I would say that I work on more products that use non-
23 PSAV production companies.

24 Q. And what kinds of -- when you say production companies,
25 what kind of work do those employees for the production

1 companies do at the Gaylord?

2 A. The same work that the AV technicians would be doing.

3 Q. So would that include the lighting work?

4 A. Yes, it would include lighting, audio, video and scenic.

5 Q. Thank you. In addition to the 80 percent of your time
6 at the Gaylord, how many other PSAV properties do you work
7 at?

8 A. Probably close to a half a dozen.

9 Q. And can you tell us which ones they are?

10 A. Sure. So when I'm not at the Gaylord, the next hotel
11 that I spend the most time in is the Marriott Marquis, but
12 I've also worked in the Ritz Tyson's, the Sheraton Tyson's,
13 the Mark Center Alexandria, the Grand Hyatt in D.C. There's
14 probably a couple of Westfields I've been out to. There's a
15 couple other smaller -- but I don't go there very often.

16 Q. Between the Gaylord and the Marquis, how much of your
17 time total would you say you spend at the Gaylord and the
18 Marquis?

19 A. Probably 90 or 95 percent of my time.

20 Q. We've heard some testimony about permanent or fixed
21 rigging attachment points in the superstructure of the
22 building.

23 A. Um-hum.

24 Q. Of the properties that you just mentioned that you
25 worked at, which of them have them permanent or fixed

1 rigging attachment points?

2 A. They all do.

3 Q. And of these properties, which of them does PSAV have
4 rigging exclusivity as far as you know?

5 A. As far as I know, the Gaylord and the Marquis do, and I
6 believe the Ritz Tyson's does, but I don't think that I've
7 spent enough at the other properties to say for sure if
8 we're exclusive there or not.

9 Q. Yesterday you heard testimony -- the day before,
10 regarding a lot of different work that PSAV considers to be
11 rigging work.

12 A. Um-hum.

13 Q. And the first is something that is referred to as ground
14 support or ground-support rigging. Do you know what that
15 is? Do you know what that's referred to?

16 A. I first heard that phrase during this hearing.

17 Q. Okay. And can you explain what you understood it to be?

18 A. So from what I can tell, PSAV's definition of ground-
19 support rigging is equipment that though it may be overhead
20 is supported by a structure contacting the ground and not
21 suspended from the air.

22 Q. So would that include a stick of truss that's on the
23 ground and maybe has a camera attached to the top of it?

24 A. They appear to believe that's rigging, yes.

25 Q. Based on your experience in the industry, is that

1 considered riggers' work?

2 A. No.

3 Q. Do you ever do that work?

4 A. Not for PS, no.

5 Q. Have you ever done that work for PS?

6 A. No.

7 Q. Have you ever observed another rigger doing that work
8 for PS?

9 A. I don't believe so, no.

10 Q. I would like to turn your attention to what I believe is
11 Union Exhibit 4. It's the rigger job description. Indulge
12 us for a moment while we find it. Do you have a copy of the
13 witness exhibits?

14 MS. SIMON: Go off the record?

15 **HEARING OFFICER ANDELA: Off the record.**

16 **(Off the record.)**

17 **HEARING OFFICER ANDELA: Back on.**

18 Q. BY MS. SIMON: I'm handing you what's been marked as
19 Union Exhibit 4. And this is the --

20 HEARING OFFICER ANDELA: Union 4?

21 MS. SIMON: Yes.

22 Q. BY MS. SIMON: And this would be rigger -- it says PSAV
23 Rigger Position Overview. Do you see that on the first
24 page?

25 A. I do.

1 Q. And I'm looking at under key job responsibilities,
2 looking at the third bullet point. And can you just read
3 that sentence of the third bullet point there, provide
4 ground rigging support?

5 A. Sure. "Provide ground rigging support to teams building
6 points from lists by staging motors and equipment under rig
7 points, handing up motor chain, tools and equipment, and
8 spotting with movements."

9 Q. Is this the same thing that's been referred to
10 throughout the hearing as ground support or ground-support
11 rigging?

12 A. No, it is not.

13 Q. What is this? Can you explain --

14 A. So --

15 Q. -- what this --

16 A. -- the phrase "ground rigging" is a description of a
17 task performed by a person. It's not the end result of our
18 efforts. If I am acting as a ground rigger, I am supporting
19 a rigger or two who are working above me.

20 Q. Okay.

21 A. So I am preparing equipment and making sure that their
22 lift is not driving into anything. Like I am eyes and also
23 assisting them in their work, but the end result of ground
24 rigging is not a structure that is supported from the
25 ground.

1 Q. Thank you. So you testified that you do not do what has
2 been referred to throughout this hearing as ground support
3 or ground-support rigging. Do you know who or what job
4 classifications do this work?

5 A. The AV technicians do.

6 Q. And second is that that was described throughout the
7 testimony yesterday and today, as I think a truss arch or
8 maybe a goalpost or a truss bridge. I'm going to look.
9 There's --

10 A. Yeah, we've got a lot of different terms to describe
11 that --

12 Q. Okay.

13 A. -- specific structure.

14 Q. Bear with me for just a moment. I'm going to give you
15 Employer's Exhibit 10.

16 MR. WILLATS: That's another picture, right?

17 MS. SIMON: Yes, this is another picture.

18 Q. BY MS. SIMON: And can you describe what this is? This
19 a truss arch or a truss --

20 A. Yeah, it looks to be probably 15 by, I don't know, 18,
21 truss arch.

22 Q. Okay. Based on your experience in the industry, is
23 constructing this truss arch considered riggers work?

24 A. It is not.

25 Q. Do you build these kinds of truss arches as a rigger for

1 PSAV?

2 A. I do not.

3 Q. And do -- have you ever observed or are you aware that
4 other riggers for PSAV build these truss arches?

5 A. I've never seen anybody do it. I've never seen any
6 rigger do it.

7 Q. Do you know who or what job classifications for PSAV
8 build these?

9 A. The AV techs.

10 Q. And another term that we've heard used is something
11 that's described as a sky hook or called the sky hook or a
12 BusPort. Are you familiar with that term?

13 A. I know sky hooks. I hadn't heard the "BusPort" phrasing
14 for it before, but I have no reason to believe that's not
15 another name they call them.

16 Q. Okay. Have you ever seen a sky hook at the Gaylord?

17 A. I have not.

18 Q. Have you ever seen a sky hook at the Marquis?

19 A. I have not.

20 Q. Marriott Marquis. And last in this line of questioning,
21 I think, is -- there's been some testimony about, I believe
22 they are called air walls.

23 A. Yes.

24 Q. And air wall tracks?

25 A. Um-hum.

1 Q. Can you explain what those are, please?

2 A. Sure. It looks like we've got one in this room
3 actually. So air walls are a method of closing a large room
4 into two smaller rooms. They are moving panels. They're
5 like 3 or 4-feet wide, and they're floor to ceiling. So if
6 they wanted, they could split this room into two halves,
7 with the air wall that's stored behind us. And then it's
8 supported structurally by the air wall track that's above
9 us.

10 Q. And is the air wall -- are air wall tracks typically
11 installed into the ceiling?

12 A. Many hotel ballrooms have air wall tracks in them, yes.

13 Q. And where else would the air wall tracks be installed,
14 if not into the ceiling?

15 A. Oh, no, no, no. They would always be in the ceiling.

16 Q. When I say the ceiling, is that the superstructure of
17 the building or would that be the drop ceiling?

18 A. No, it would need to be connected in some way to the
19 superstructure of the building because they are load
20 bearing.

21 Q. Okay.

22 **(Petitioner's Exhibit 10 marked for identification.)**

23 Q. BY MS. SIMON: I am going to show you what's been marked
24 for identification as Union Exhibit 10. And if you could
25 take a look at this document? Could you tell us what we're

1 looking at?

2 A. Sure. This is an email that was sent out to the rigging
3 crew by Chad Houseknecht, my supervisor, about a problem
4 that we had with an air wall hanger that apparently fell
5 during the house men moving the air walls in the Potomac
6 Ballroom. I wasn't --

7 Q. Let's take that apart for just a minute.

8 A. Okay.

9 Q. Who are house men?

10 A. The house men are hotel employees that are responsible
11 for the chairs and tables and the -- in many cases the
12 stage. The hotel has staging units they can provide.

13 Q. Where is the Potomac Ballroom?

14 A. The Potomac Ballroom is at the Gaylord National.

15 Q. And can you tell me what an air wall hanger is?

16 A. So an air wall hanger is a piece of equipment that can
17 be used to suspend weight from an air wall that isn't -- I'm
18 sorry, from an air wall track that is not an air wall, so we
19 use them often to provide pick points to run cables around
20 in the ceiling, if we need to get like -- just as an
21 example, a triax cable, a video control cable to a camera
22 position.

23 Q. I'm sorry, I interrupted you. You were looking at
24 this --

25 A. Yeah, so evidently I wasn't present when this happened,

1 but evidently an air wall hanger had been left in the air
2 wall track and came loose and fell while the house men were
3 moving sections of air wall around. So --

4 MR. WILLATS: I'm sorry. She hasn't moved for admission
5 of the document yet. I'd like to just voir dire the witness
6 and make sure that -- on one particular issue about this
7 document.

8 HEARING OFFICER ANDELA: Okay.

9 **VOIR DIRE EXAMINATION**

10 Q. BY MR. WILLATS: Mr. -- is it Ruble?

11 A. It is.

12 Q. Mr. Ruble, did you receive this email?

13 A. I did.

14 Q. From Mr. Houseknecht?

15 A. Yes, sir.

16 Q. And was the information conveyed in this email the first
17 time you had heard about this incident?

18 A. It was.

19 Q. Did you work on the air wall track that's referenced in
20 the Potomac Ballroom relative to the incident described?

21 A. I don't believe so, no.

22 Q. So is it correct to say that other than what's in this
23 document, you have no personal knowledge of what occurred in
24 that ballroom or how that strike occurred? In other words,
25 you don't know who was responsible for leaving the air wall

1 hook in the track?

2 A. I --

3 Q. Isn't that true?

4 A. I had a discussion with Chad after I received this
5 email, the next I showed up for work, and I got a little bit
6 more detail about this situation, but I was not personally
7 involved, no.

8 Q. Okay. So whatever you testify about is either based on
9 what's in the document or based on a communication that Chad
10 Houseknecht said to you?

11 A. For details specific to this circumstance, yes, but I do
12 have experience with --

13 Q. Not my question. My question was whether the
14 information that relates to this particular incident, is the
15 only information you have about it is what's in this email
16 or what Mr. Houseknecht said to you?

17 A. Yes.

18 Q. Okay. So you have no personal knowledge, you weren't
19 there, right?

20 A. Correct.

21 MR. WILLATS: This witness -- this document should not
22 be admitted. If he wants to testify about what
23 Mr. Houseknecht said, that's fine, but this document should
24 not be admitted. He can't authenticate it other than he
25 received the document. He can testify that he received it

1 but in terms of questions about the incident itself, it's
2 all based on speculation and it's all based on hearsay.

3 MS. SIMON: Hearsay and admission are two different
4 things, so this witness received this email. He testified
5 to his understanding of what this email is discussing. He
6 can't testify to the particular incident behind it. He can
7 certainly testify that he received this communication, that
8 this is within the scope of Mr. Houseknecht's communication
9 with him in regards to the rigging needs, his general work
10 with air wall hangers. There's really no reason that it
11 shouldn't be admitted.

12 HEARING OFFICER ANDELA: So your issue as to the
13 document --

14 MR. WILLATS: All he can testify -- he's talking -- he
15 seems to be going down the path of talking about what
16 occurred in this circumstance, but all of his knowledge is
17 based on what's in this document that otherwise he has no
18 personal knowledge of the event.

19 HEARING OFFICER ANDELA: Well, let's hear about the
20 questions that lead to his conversation with
21 Mr. Houseknecht.

22 MR. WILLATS: That's fine.

23 HEARING OFFICER ANDELA: So proceed, and we'll address
24 if she moves into evidence.

25 **DIRECT EXAMINATION (cont.)**

1 Q. BY MS. SIMON: So, Mr. Ruble, if you can continue to
2 explain the purpose of this email?

3 MR. WILLATS: Objection. He can't --

4 MS. SIMON: As he understands it. He received it.

5 MR. WILLATS: As he understands, it is not a catch-all
6 to otherwise give him personal knowledge about this email.

7 MS. SIMON: I can ask him another question.

8 HEARING OFFICER ANDELA: Another question?

9 MS. SIMON: Certainly.

10 Q. BY MS. SIMON: Is there any attachment to this email?

11 A. As in like an additional file?

12 Q. Correct.

13 A. No, I don't believe so.

14 Q. Do you have a final page that says air --

15 A. I'm sorry, yes, there is.

16 Q. Okay. And then going back, down to page 2 where it says
17 moratorium.

18 A. Yes.

19 Q. Did you receive a moratorium or instruction from
20 Mr. Houseknecht in this email?

21 A. I did.

22 Q. Okay. And what does it say?

23 A. Word for word or --

24 Q. Yeah, you can just go ahead.

25 A. Okay. "I do hereby declare a moratorium on air wall

1 hanger use by all personnel until such time as you have
2 taken and passed a 'air wall hanger certification class'
3 with either myself or Joe Galitsky. If you need to use an
4 air wall hanger and you have not yet been certified by
5 myself or Joe, find somebody 'certified' to install it for
6 you, please."

7 Q. Okay. You can go ahead and keep reading.

8 A. And then, "Attached is the installation guide for our
9 make and model of air wall hanger. Please review. Note:
10 This is not a universal guide. The attached document is
11 specific to the Huffcor #11 track installed at the Gaylord
12 National. Different tracks require different hangers with
13 different installation instructions."

14 Q. Great. And then down below that it says something about
15 "Crew Works, these four dismissive to all of the usual
16 suspects." Do you know what that means?

17 A. Yes. Crew Works is the company that provides our
18 over-hire rigging labor.

19 Q. So and under what circumstances would Gaylord need
20 over-hire rigging labor?

21 A. There are a limited number of us, less than 20 at the
22 Gaylord.

23 Q. Of riggers?

24 A. Of riggers, yes. And so often we will have jobs large
25 enough or enough jobs in the same time period, when we will

1 need more riggers than we have available to us.

2 Q. And turning to the attachment to the document here, wall
3 hanger, are you familiar with this piece of equipment?

4 A. Yes.

5 Q. And could you briefly describe it for us?

6 A. Sure. So this is an air wall hanger, a specific grant,
7 and then there's a three-step illustrated process of how to
8 properly install them into the air track that is evidently
9 the manufacturer that we have at the Gaylord.

10 Q. In your experience working for 3 years as a rigger at
11 the Gaylord, which PSAV personnel install these air wall
12 hangers?

13 A. It should have been a rigger.

14 Q. Are you aware of any AV technicians using these air wall
15 hangers?

16 A. I am not.

17 Q. Okay.

18 A. I've never seen an AV technician install an air wall
19 hanger while I was in the room.

20 Q. What about removing them when they are no longer needed?

21 A. Not while I'm present, no.

22 Q. Who removes them when they're no longer needed?

23 A. Riggers do.

24 MS. SIMON: And we're going to move for admission of
25 Exhibit 10 and Exhibit 9 while we're at it.

1 HEARING OFFICER ANDELA: Wait, I can't --

2 MS. SIMON: I'm sorry. Exhibit 10 -- we're going to
3 move for admission of Exhibit 10.

4 HEARING OFFICER ANDELA: Just 10, okay. Any further
5 objection?

6 MR. WILLATS: To be clear, I have no objection to the
7 last page of Exhibit 10 coming in, but it's the same
8 objection with regard to the email itself.

9 HEARING OFFICER ANDELA: And that's basically on --

10 MR. WILLATS: To the extent this document purports to
11 reflect an event that occurred that this witness has no
12 personal knowledge of, the document itself is hearsay, and
13 I'm talking about the email portion of the document. The
14 air wall -- his testimony about the air wall hangers and his
15 knowledge of that is I think fairly obvious, and so I have
16 no objection to Exhibit -- the last page of Exhibit 10, but
17 the email itself is hearsay.

18 MS. SIMON: I think there's an exception to hearsay for
19 the impact the communication had on the knowledge of the
20 recipient. This is an email that was received from
21 Mr. Ruble by his supervisor regarding an incident that took
22 place and resulting in instruction to all the riggers
23 regarding installation of the air wall hanger.

24 MR. WILLATS: That's not an impact on --

25 MS. SIMON: It really doesn't go to the truth of whether

1 this air wall hanger fell. It goes to the instruction on
2 what will be happening next with regard to how the riggers
3 work with these air wall hangers, these pieces of equipment.

4 MR. WILLATS: If this is limited -- if its admission
5 into this record is limited for the purpose that he was on
6 an email string where he was given an instruction to not
7 hang it -- to not put up air wall hangers until he went
8 through a certification class from his rigging coordinator,
9 we have no objection on that basis. But the witness
10 testified beyond that. So as long as that's the only
11 purpose of this document coming in, we're fine with that,
12 this document being Exhibit 10.

13 HEARING OFFICER ANDELA: Is it for anything more than
14 that, than that it was received and --

15 MS. SIMON: I don't feel that you limited it -- I would
16 like it to be admitted for the reasons that Mr. Ruble
17 testified about it. He worked on this equipment. He
18 received the instruction from his supervisor. He is cc'd on
19 that email, and he can testify as to what he understood. He
20 did testify as to what he understood it to mean and what the
21 result was of this as it was explained to him by this email.
22 I don't think there's any reason to limit it.

23 MR. WILLATS: Okay. That changes it a little bit. If
24 he -- if the document is admitted for the purpose of
25 conveying information to him of whatever is in this

1 document, and any direction flowing from it, clearly he
2 admitted the document and he can testify to that, or he
3 received the document and he can testify to that. He can
4 also testify to any direction or the information that was
5 conveyed to him.

6 He just can't testify as to what occurred on this event
7 based solely on -- or based on this document because he has
8 no personal knowledge of it.

9 HEARING OFFICER ANDELA: So whether the email depicts a
10 true event or not is not --

11 MR. WILLATS: Correct.

12 HEARING OFFICER ANDELA: -- at issue either way,
13 correct?

14 MS. SIMON: It is not.

15 HEARING OFFICER ANDELA: And -- I mean, we get rid of
16 that particular purpose, I see no reason not to let it in.
17 Unless someone later is going to testify about that event,
18 I'm not sure we need to know whether that event actually
19 happened or not.

20 MR. WILLATS: I agree.

21 HEARING OFFICER ANDELA: To know that Mr. Houseknecht
22 communicated it.

23 MR. WILLATS: Yeah.

24 HEARING OFFICER ANDELA: So we'll let it in for the
25 purpose of, again, helping illustrate testimony and for the

1 purpose of showing that Mr. Houseknecht made this
2 communication to employees, including the witness.

3 MR. WILLATS: Agree.

4 HEARING OFFICER ANDELA: So Petitioner Exhibit 10 is
5 admitted.

6 **(Petitioner's Exhibit 10 received in evidence.)**

7 Q. BY MS. SIMON: Turning your attention back to this
8 exhibit, which by now I'm sure you're wishing you'd never
9 seen, this moratorium refers to an air wall hanger
10 certification class. What does that meant to you?

11 A. I had to prove to Chad that I knew how to properly
12 install this air wall hanger.

13 Q. And how did prove that to him?

14 A. I took one, and we went to an air wall, and I installed
15 it.

16 Q. Thank you. Do you know whether any AV technicians went
17 through this certification class?

18 A. Not to my knowledge.

19 Q. And to your knowledge have you ever seen an AV
20 technician install an air wall hanger at the Gaylord?

21 A. No, I've never seen an AV tech do that.

22 Q. Have you ever seen an AV technician remove an air wall
23 hanger at the Gaylord?

24 A. I have not.

25 Q. Have you ever seen an AV technician install or remove an

1 air wall hanger at the Marriott Marquis?

2 A. I have not.

3 Q. Thank you. So we just spoke briefly about Chad

4 Houseknecht. Is he your direct supervisor at the Gaylord?

5 A. He is.

6 Q. What's his title?

7 A. Rigging coordinator.

8 Q. Did Mr. Houseknecht hire you?

9 A. He did.

10 Q. And how often do you interact with him?

11 A. Every time I have a shift. The vast majority of the
12 times I have a shift down at the Gaylord.

13 Q. Can you talk about the kinds of things that you interact
14 with Mr. Houseknecht about?

15 A. Sure. He generally has the plan for what we're getting
16 into that day. He is very knowledgeable about not only the
17 equipment that we use but basically all equipment that I've
18 ever run across ever. We argue about air compressors a lot.
19 And we also have known each other for a long time, and so
20 have -- I ask him how his family is and things like that,
21 small talk. But mostly it's in regards to the job, and he
22 tends to be the one who has the overall plan for what we're
23 getting into on any specific shift.

24 Q. Does he assign your work duties when you're working at a
25 shift?

1 A. In what sense?

2 Q. Does he oversee the work that you are doing?

3 A. He will often stop by a job -- like whatever room we
4 happen to be working in. It is rare for him to be there
5 specifically supervising us all of the time.

6 Q. And what duties does he perform?

7 A. So Chad is responsible ultimately for everything that we
8 do. I think most of his time is spent interaction with
9 clients and getting an idea for what it is that they're
10 going to need for rigging, and then he is ultimately
11 responsible for okaying and disseminating the rigging plots
12 that we use.

13 Q. And we've heard some testimony about the rigging plots.
14 Can you describe those again for us?

15 A. Sure. I mean, it is a CAD drawing, typically Invecstra
16 Works (ph.), that indicates for our purposes the specific
17 truss and its specific position in relation to the points
18 in -- hard points in the room and also where our motors will
19 be, and then often they are amended to show where our power
20 distribution will be based, and things like that.

21 Q. When you work at the Marriott Marquis, who is your
22 direct supervisor?

23 A. Randy Whitcomb.

24 Q. And what's Mr. Whitcomb's title?

25 A. He's also a rigging coordinator.

1 Q. Does Mr. Houseknecht supervise non-riggers?

2 A. No. Well, Chad also supervises the people that we have
3 building our truss.

4 Q. And who are those people?

5 A. So sometimes it is riggers, and sometimes it is -- well,
6 sometimes it is riggers who both work for PSAV and who work
7 for Crew Works, and sometimes it is just other people who
8 work for Crew Works, who have been brought in specifically
9 to build truss.

10 Q. So let me clarify my question. Does Mr. Houseknecht
11 supervise any PSAV employees other than riggers?

12 A. No.

13 Q. And is Mr. Houseknecht -- sorry. Do you know who
14 Mr. Houseknecht reports to?

15 A. Before this hearing started, I was under the impression
16 that he reported to Patrick Wallace and to Carl Turner.

17 Q. And who are those? Who are those people?

18 A. Patrick Wallace is --

19 MR. WILLATS: I'm sorry, I object. Move to strike as
20 nonresponsive. Whatever -- the question was do you know.
21 If he knows, he knows. If he does not, whatever he heard in
22 the hearing, I don't think that's relevant as responsive.

23 MS. SIMON: I can ask something different?

24 HEARING OFFICER ANDELA: Yeah.

25 Q. BY MS. SIMON: There's been some testimony regarding --

1 from Patrick Wallace, the regional rigging manager. Do you
2 have any contact with Mr. Wallace?

3 A. I do.

4 Q. And can you describe that contact, the issues, how
5 frequently?

6 A. So I probably contact -- well, recently I've contacted
7 Patrick roughly every 2 weeks, because there was a problem
8 with my payroll in regards to my passing of a couple
9 certification tests. So for the first couple months that
10 was an issue, I emailed Chad, and then for the next few
11 months that was an issue, I emailed both Chad and Patrick.

12 Q. What other contact do you have with Mr. Wallace?

13 A. Earlier this spring he was setting up some ETCP
14 certification training classes, and so I was in contact with
15 him about those. And then we had some follow-up contact
16 after the class.

17 Q. And ETCP is a pretty high-level certification for
18 riggers; is that correct?

19 A. It is.

20 Q. Do you have -- you mentioned also Carl Turner.

21 A. Yes.

22 Q. And who is Mr. Turner?

23 A. He's the DET for the Gaylord.

24 Q. And do you have contact with the DET, the director of
25 event technology for the Gaylord?

- 1 A. Rarely. He stops by the office every once in a while.
2 I might see him once a month, once every couple months.
- 3 Q. What is the office?
- 4 A. I'm sorry, the rig shop down in the lower level.
- 5 Q. Does he assign you your work?
- 6 A. He does not.
- 7 Q. Does he discipline riggers?
- 8 A. Not that I've ever heard.
- 9 Q. Does he do any performance evaluation for riggers?
- 10 A. Not that I'm aware of.
- 11 Q. Who evaluates your performance?
- 12 A. Chad.
- 13 Q. Besides Chad, do you have any other supervisors?
- 14 A. When I'm at the Marquis, it's Randy Whitcomb, and when
15 I'm on the other little satellite properties, it's one of
16 the two Erics, but I forget which one is in charge of which
17 property.
- 18 Q. Erik Lundquist --
- 19 A. And Eric Reuter.
- 20 Q. Reuter?
- 21 A. Yes.
- 22 Q. And those are also rigging coordinators?
- 23 A. They are.
- 24 Q. You just mentioned ETCP certification. So in addition
25 to your many years of experience working as a rigger, do you

1 have any other training or do you have any other
2 certifications or training?

3 A. Yes. I'm dual certified in ETCP rating, both arena and
4 theater.

5 Q. And can you tell us what that means?

6 A. I have taken -- so ETCP recognizes two different styles
7 of rigging, arena and theater, hoist and counter weight
8 roughly.

9 Q. What is ETCP?

10 A. The Entertainment Technician Certification Program, I
11 think. It's administered by a trade organization called
12 ESTA. I don't know what their -- I don't remember what
13 their acronym stands for, entertainment services. Now I
14 lost track of what I was answering, I'm sorry.

15 Q. You were saying that you have some ETCP certifications?

16 A. Yes. I've taken and passed both ETCP rigging exams.

17 Q. And what's required to be eligible to take those exams?

18 A. So there's a couple of different methods of getting
19 there. They have a document that lays out -- you need a
20 total of 30 points to become eligible for the test. One way
21 of getting points is for every 100 hours worked as a rigger,
22 that is equal to one point, so if you've done 3,000 hours of
23 rigging, that counts. Or that's enough to be eligible for
24 the test. You can also --

25 Q. Let me just stop you there. Would any of those hours of

1 rigging include ground-support rigging as that term was
2 described by PSAV?

3 MR. WILLATS: Objection, foundation.

4 MS. SIMON: He's taken the test.

5 MR. WILLATS: He's taken the test. That doesn't mean he
6 understands the qualifications or what -- or how the test
7 was set up or whether ground-support rigging would qualify
8 as a criteria for ETCP certification.

9 HEARING OFFICER ANDELA: Do you know?

10 MR. WILLATS: He's not the test designer.

11 THE WITNESS: So what PSAV describes as ground rigging
12 isn't a thing. I've never heard that phrase before. It's
13 not an industry standard, so I don't believe that work would
14 count toward certification, no.

15 HEARING OFFICER ANDELA: Do you know one way or the
16 other? Have you ever tried to submit any hours other
17 than --

18 THE WITNESS: I have not.

19 HEARING OFFICER ANDELA: -- what you consider rigging?

20 THE WITNESS: No.

21 HEARING OFFICER ANDELA: Do you know anyone who has or
22 do you know of anyone who has?

23 THE WITNESS: No.

24 MR. WILLATS: And I don't know if counsel is planning on
25 going further into this, but it's already been established

1 that ETCP certification is not a requirement of the job at
2 PSAV. So he's -- I understand for purposes of background
3 that's one thing, but trying to correlate the two together,
4 the whole subject of ETCP is not relevant to these
5 proceedings.

6 MS. SIMON: I'm actually going to get there in just a
7 minute, so bear with me.

8 Q. BY MS. SIMON: So in addition to the experience to take
9 the experience points, to take this exam, is there
10 additional training required to be eligible to take it?

11 A. No. No additional training is required to take the
12 exam.

13 Q. Does PSAV encourage riggers to get the certification?

14 A. They do.

15 Q. And does PSAV provide any preparation for taking the
16 exam?

17 A. They have. Mr. Wallace taught at least one class and
18 may have attended two.

19 **(Petitioner's Exhibits 11, 12, and 13 marked for**
20 **identification.)**

21 Q. BY MS. SIMON: I'm going to hand you what's been marked
22 as Union Exhibit 11. I'm going to get to 12 and 13. Okay.
23 And I'm going to ask you to just take a look at these three
24 exhibits.

25 A. Okay.

1 Q. These are three email chains. One is from -- starts
2 with an email from Patrick Wallace, dated February 27th,
3 2018. That's Exhibit 11. The second is from Chad
4 Houseknecht, dated February 22nd, 2018. And 13 is from
5 Patrick Wallace dated Thursday, August 24th, 2017.

6 A. Yeah.

7 Q. Are these all involving the same -- all involving the
8 ETCP rigging training?

9 A. Yes.

10 Q. Okay. And can you explain kind of what's being
11 discussed in these emails?

12 MR. WILLATS: Well, objection. The document speaks for
13 itself, and I renew my objection to the line of questioning.
14 The ETCP certification -- actually, if I could ask one
15 question about it?

16 **VOIR DIRE EXAMINATION**

17 Q. BY MR. WILLATS: Before you received these emails were
18 you a rigger at PSAV?

19 A. I was.

20 Q. Were you ever told that ETCP certification was a
21 requirement of being a rigger?

22 A. No.

23 Q. When these emails were provided to you, were you told
24 that it's now going to be a requirement for a rigger?

25 A. No.

1 MR. WILLATS: We renew our objection. There's nothing
2 relevant about this in order to be a rigger. It's an extra
3 training that's provided to riggers, but it's not relevant
4 to whether or not they're qualified for the job.

5 MS. SIMON: I believe that in some of the training
6 materials that were provided by the Employer, there was
7 material that to become a rigger you to either be PSAV
8 certified or ETCP trained rigger, so I think it is relevant.
9 There was testimony regarding over-hire of riggers, and how
10 at least one person has to be ETCP certified for safety
11 purposes on any over-hire approved riggers. And I think
12 that it's -- I also believe that PSAV offers this training.
13 There will be testimony that it is paying for these exams
14 and it is their official policy to encourage their riggers
15 to obtain the certification.

16 MR. WILLATS: We will stipulate that we encourage ETCP
17 certification. We will stipulate -- we've already said that
18 over-hires or outside companies -- one person has to have
19 ETCP certification, and in the book that she's talking about
20 in terms of -- counsel is talking about in the training
21 book, all it does it mention that that's another -- that
22 that's a way to become a rigger, if you don't use the
23 rigging class and the 250-hour requirement.

24 The fact that the Company offered training, it doesn't
25 add anything to these proceedings, when there's a community

1 of interest between -- between riggers and between -- and
2 the AV technicians. All it is, is another layer of
3 certification.

4 MS. SIMON: This is -- so far we are beyond objection
5 and into argument at this point, that we are really -- I am
6 really becoming frustrated.

7 MR. WILLATS: Well, I'm sorry you're becoming
8 frustrated.

9 MS. SIMON: This is a non-adversarial proceeding.
10 Excuse me, counsel. This is an objection. This has become
11 a speaking objection. We are into argument. We are into
12 brief writing. This is a case about the community of
13 interest between the riggers and the non-riggers. This is a
14 community -- this is a case about the -- whether they have a
15 specifically distinct community of interest that would
16 separate them from the 553 people who do everything from
17 perform driving work, warehouse work, operations work,
18 concierge's work, that has absolutely nothing to do with
19 even hanging lighting or hanging speakers from a piece of
20 truss. This is training that is provided by the Employer,
21 paid for by the Employer, on work time to this specific
22 group of employees.

23 MR. WILLATS: And we'll stipulate to that. I'd like to
24 get this hearing done before Christmas.

25 MS. SIMON: This testimony is more than relevant to that

1 standard. The Employer has had almost 2 full days to put on
2 its case. We would ask for the same courtesy. We do not
3 have a stipulated record.

4 HEARING OFFICER ANDELA: I'm inclined to find out where
5 this goes and to let the questioning continue. I will add,
6 as for the documents, in terms of hearsay, to the extent
7 that the issue is community of interest, I would think that
8 the documents conceivable, what we've looked at so far, and
9 what we're addressing, contain admissions. From a hearing
10 standpoint I don't see --

11 MR. WILLATS: Admissions assume relevance, and --

12 HEARING OFFICER ANDELA: It's hard to admit something
13 not relevant.

14 MR. WILLATS: Well, I understand that but my point is
15 simply this. Is if it's not a requirement of the job and we
16 stipulated that ETCP classes are provided and the training
17 is paid for by the Company in order to continue to advance
18 the skill set of those who want to participate, which is in
19 the document, it says participation in Exhibit 11.

20 Participation is totally voluntary, and if you want to be
21 removed from the list, let me know. This is not a job
22 requirement. This is an opportunity, and that's all it is.

23 HEARING OFFICER ANDELA: And I don't think community of
24 interest is restricted in any way to requirements, so I
25 think --

1 MR. WILLATS: Okay. Well, if that's your view, then I'm
2 done talking.

3 HEARING OFFICER ANDELA: And I could -- I could ask all
4 the questions in the Hearing Officer's Guide, or we can let
5 the parties get it out there. So I'm inclined to let the
6 parties get it out there.

7 MR. WILLATS: I understand your position.

8 MS. SIMON: Thank you. And, Mr. Hearing Officer, please
9 jump in and clarify and ask questions of anything --

10 MR. WILLATS: I object to that. That's nonsense. The
11 Hearing Officer knows that he could do that. Such
12 patronizing behavior at the last end of the hearing is
13 totally inappropriate.

14 HEARING OFFICER ANDELA: Ms. Simon, continue.

15 **DIRECT EXAMINATION (cont.)**

16 Q. BY MS. SIMON: So I believe we were talking about
17 Exhibit 11, 12, and 13. Can you generally describe what's
18 happening in these exhibits? Start with 13.

19 A. Okay.

20 Q. The first one chronologically.

21 A. Thirteen was an email that went out to the rigging crew.
22 It was letting us know that there was plenty of materials
23 available to us on the shared drive that the riggers all
24 have access to.

25 Q. And --

1 A. And then it also mentions the skip level follow-up. I
2 don't believe I was at that meeting.

3 Q. What's a skip level follow-up?

4 A. Skip-level meetings are when higher-ups, higher-level
5 management than just our boss comes to talk with the group.

6 Q. And the skip level follow-up is contained in the last
7 paragraph of this email from Mr. Wallace; is that accurate?

8 A. Yes.

9 Q. So is that what you're referring to?

10 A. Yeah.

11 Q. And if you could read that first sentence, "While I have
12 everyone, the spreadsheet for all the remote property," do
13 you know what that means? Do you know what he's talking
14 about here?

15 A. The spreadsheet for all the remote properties that are
16 part of the skip level follow-up meeting will go live.

17 Q. Is this paragraph about the ETCP training?

18 A. It is not. I'm not sure what that paragraph is.

19 Q. Okay, thanks. And I'm looking at Mr. Wallace's
20 signature line. Is he ETCP certified?

21 A. He is.

22 Q. And who is this email being sent to?

23 A. I don't know every single email on here, but it appears
24 to all be rigging crew riggers.

25 Q. And then turning to Union Exhibit 12, this is a series

1 of emails that starts -- I think the first one is dated
2 February 4th, six pages, and it goes to the 22nd.

3 A. Yes.

4 Q. I'm going to turn your attention to the first email,
5 Wednesday, February 14th, 2018, 4:16 p.m., from Chad
6 Houseknecht.

7 A. Yes.

8 Q. Did you receive this email?

9 A. I did.

10 Q. And what is this email describing?

11 A. So this is Chad letting us know that the scheduled dates
12 for the ETCP classes that Patrick would be teaching us, and
13 the dates at the end of February and the end of March.

14 Q. If you turn to -- if you look at the very bottom of this
15 page it says, my goal, and then I think it goes on to Page
16 5. If you can just read starting from where it says, "My
17 goal?"

18 A. Sure. "My goal, PSAV has the number of ETCP certified
19 riggers of any business or group. My goal is to have the
20 highest number of ETCP certified riggers within PSAV and to
21 never ever kill anyone accidentally."

22 Q. Thank you. And then if you turn to Union Exhibit 11?
23 It's dated a couple weeks later. Did you receive this email
24 from Mr. Wallace?

25 A. I did.

1 Q. And what does this contain?

2 A. So this is Patrick -- describing -- we had talked about
3 in the class having follow-up practice questions, and so
4 this is Patrick describing the process by which he was going
5 to email us practice questions that we could then attempt to
6 figure out and then at the end of a certain period of time
7 he would explain why and what we did wrong and what we did
8 right.

9 Q. Did you attend these classes with PSAV?

10 A. I did.

11 Q. And were you paid to do so?

12 A. I was.

13 Q. And who paid you?

14 A. PSAV.

15 Q. And around how many classes did PSAV offer to prepare
16 for this test?

17 A. I believe there were a total of two classes, each of
18 which was 2 days.

19 Q. And who taught the classes?

20 A. Patrick Wallace.

21 Q. Did you end up taking the test?

22 A. I did.

23 Q. Do you know how much it cost to take the test?

24 A. It depends on whether or not you're a member of a group
25 that is part of the ESTA organization, but it's between four

1 and six hundred dollars.

2 Q. And who paid for you to take the test?

3 A. PSAV did.

4 Q. When did you take the ETCP certification?

5 A. I took the arena test on June the 1st, and then I took
6 the theater tests partway through August.

7 Q. And was that of this year?

8 A. It was.

9 Q. And did you pass?

10 A. I did.

11 Q. Congratulations.

12 A. Thank you.

13 MS. SIMON: I do -- I'd like to move for the admission
14 of Union 11, 12, and 13.

15 MR. WILLATS: Same objection.

16 HEARING OFFICER ANDELA: Same objection?

17 MR. WILLATS: Sure.

18 HEARING OFFICER ANDELA: Argument preserved on 11, 12
19 and 13. I am admitting them into evidence.

20 **(Petitioner's Exhibits 11, 12, and 13 received in evidence.)**

21 **(Petitioner's Exhibit 14 marked for identification.)**

22 Q. BY MS. SIMON: Can you tell us what we're looking at
23 here?

24 A. Sure. This is an email from Chad that is discussing
25 that they have settled on dates for the rope access training

1 that we do every year to work in the atrium.

2 Q. And is that the working with training that Mr. Queally
3 described yesterday?

4 A. It is.

5 Q. And did you receive this email?

6 A. I did.

7 Q. And did you take the training?

8 A. I did.

9 Q. And did anyone -- did other riggers take the training as
10 well?

11 A. They did.

12 Q. Do you recall approximately how many of the Gaylord
13 riggers took the training with you?

14 A. I couldn't tell you an exact number, but most, if not
15 all, of the Gaylord riggers took the training.

16 Q. Did any non-riggers take the training?

17 A. No.

18 Q. Did any PSAV AV technicians take this training?

19 A. No.

20 MS. SIMON: I'd like to move in for admission Union
21 Exhibit 14.

22 THE WITNESS: And I should clarify. No PSAV employees
23 who we utilize as riggers did take the class.

24 MS. SIMON: Thank you.

25 **VOIR DIRE EXAMINATION**

1 Q. BY MR. WILLATS: If I may, how many classes were there?

2 A. So from what I remember, it was a 2-day span, but they
3 held it like multiple sessions.

4 Q. All right. So there were multiple classes teaching the
5 same -- there were multiple times where they taught the same
6 thing, right?

7 A. Yes.

8 Q. So there were classes that you weren't in?

9 A. Yes.

10 Q. So if an AV technician took a class that you weren't in,
11 you don't know whether the AV technician was in that
12 classroom?

13 A. True. I can't speak to things that I wasn't present
14 for.

15 MR. WILLATS: Thank you.

16 HEARING OFFICER ANDELA: Any objection?

17 MR. WILLATS: No.

18 HEARING OFFICER ANDELA: Union 14 is admitted.

19 **(Petitioner's Exhibit 14 received in evidence.)**

20 **(Petitioner's Exhibit 15 marked for identification.)**

21 **DIRECT EXAMINATION (cont.)**

22 Q. BY MS. SIMON: I'd like to give you what has been marked
23 for identification as Union Exhibit 15. Do riggers receive
24 lift certifications through PSAV?

25 A. Some do, yes.

1 Q. Okay. And can you explain what kinds of lifts you use?

2 A. So we use two primary lifts. Scissor lifts or area work
3 platforms, which are sort of self explanatory. It's a flat
4 platform that extends straight up and down the cross-scissor
5 supports, and then we also use articulated boom lifts in
6 primarily -- well, I guess only in the XHall and the atrium
7 and the X-10.

8 Q. And so this email that you received regarding lift
9 certifications?

10 A. It appears to be, yes.

11 Q. And how often do you need to be certified to work with
12 these lifts?

13 A. I believe they expire every 5 years. It might be -- so
14 I am certified in both forklift and area work platform, and
15 one expires every 3 years and one expires every 5, and I
16 don't remember which one is which. Three to five years is
17 when you have to re-up.

18 Q. All right. Do you know which lift certifications are
19 being -- are being referred to in this email?

20 A. Not specifically. We tend to do scissor lift and boom
21 lift certification at roughly the same time.

22 Q. Okay. Did you receive an email from Mr. Reuter?

23 A. I did.

24 Q. And do you recall if you took these certification
25 classes?

1 A. I did not. My certification is valid. I don't need to
2 recertify. Mine expires in 2020.

3 Q. Have you ever seen AV technicians use scissor lifts?

4 A. I have.

5 Q. And have you ever seen an AV technician use an
6 articulated boom lift?

7 A. I have not.

8 Q. Are there --

9 MS. SIMON: At this point I would move in Union Exhibit
10 15.

11 HEARING OFFICER ANDELA: Is there any objection?

12 MR. WILLATS: Nope.

13 HEARING OFFICER ANDELA: Union Exhibit 15 is admitted.

14 **(Petitioner's Exhibit 15 received in evidence.)**

15 **(Petitioner's Exhibit 16 marked for identification.)**

16 HEARING OFFICER ANDELA: And just for clarity, a couple
17 minutes ago you said XR. Is that the same as Exhibit R?

18 THE WITNESS: Yes, it is. Sorry.

19 Q. BY MS. SIMON: Do you ever meet as a group of riggers
20 with the rigging coordinators?

21 A. We do.

22 Q. And what's the purpose of those meetings?

23 A. There's a couple of different purposes. I think we
24 mostly use it to address concerns we have about our
25 day-to-day activities on the jobsite. We also get a little

1 bit of like a State of the Union from Chad. And there are
2 discussions about large projects that are coming up and
3 large projects that we have recently completed that we might
4 be able to tweak to make more efficient in some way. And
5 also there's a not insignificant amount of complaining,
6 which I think is kind of common.

7 Q. And how often do these meetings occur?

8 A. At least once a year, sometimes twice a year.

9 Q. Okay. And looking at Union Exhibit 16, is this an
10 invitation to a rigger meeting?

11 A. It is.

12 Q. Okay. Did you receive this invitation?

13 A. I did.

14 Q. And did you attend this meeting?

15 A. I did.

16 Q. And who was present?

17 A. Chad and Randy Whitcomb were both there. Most, if not
18 all, of the Gaylord riggers and a couple of the Marquis --
19 the riggers that have the Marquis as their own location, and
20 also Dave Moffit, who I think is assigned to the Hinckley
21 Hilton or the Washington Hilton. He was also there.

22 Q. Is he a rigger as well?

23 A. He is.

24 Q. Were any AT technicians from PSAV at this meeting?

25 A. No.

1 Q. Were any AV technicians from PSAV at the riggers
2 meetings in other years that you've attended?

3 A. No.

4 MS. SIMON: I move Union Exhibit 16 into evidence.

5 MR. WILLATS: No objection.

6 HEARING OFFICER ANDELA: Union 16 is admitted

7 **(Petitioner's Exhibit 16 received in evidence.)**

8 MS. SIMON: I'm just going to pull up an exhibit. If I
9 could have just a moment off the record?

10 **HEARING OFFICER ANDELA: Off the record.**

11 **(Off the record 10:14 a.m. until 10:20 a.m.)**

12 **HEARING OFFICER ANDELA: Back on the record.**

13 Q. BY MS. SIMON: There was some testimony in the last
14 couple of days about training that was provided to PSAV AV
15 technicians and learning about rigging or riggers' work.

16 A. Um-hum.

17 Q. Are you familiar with that? There was some testimony
18 about a 3-day class in Florida.

19 A. Yes.

20 Q. Have you attended that class?

21 A. I have not.

22 Q. I am going to show you what's already been admitted into
23 evidence as Employer's Exhibit 12.

24 A. Okay.

25 Q. And this is -- it's not titled, but in testimony earlier

1 this was represented as a list of people who have taken that
2 3-day class in Florida. And I believe that is in this
3 region.

4 A. Okay.

5 Q. In the D.C. area.

6 A. Looks like there's Baltimore on here too.

7 Q. Okay. Are you -- D.C. and Baltimore?

8 A. Yeah.

9 MR. WILLATS: Objection.

10 HEARING OFFICER ANDELA: There was a term of art for
11 what it covered?

12 MR. WILLATS: I mean, the document -- counsel is
13 commenting on what she believes it is. The document is
14 representative of the different properties where each of
15 these individuals work on there. If there's different from
16 the testimony that that's wrong or something, that's fine,
17 but I think it's inappropriate to -- through the beginning
18 of a question to narrow the scope of the document, so --

19 THE WITNESS: I'd say it's a list of employees who have
20 taken the Orlando training.

21 MS. SIMON: That's perfectly fine.

22 THE WITNESS: I agree.

23 MS. SIMON: And a list of the properties that they came
24 from.

25 Q. BY MS. SIMON: Mr. Ruble, looking at this document, and

1 take as long as you need to look through the names, can you
2 identify anyone on this list who has -- who is now a rigger,
3 a PSAV rigger?

4 A. Let's see. Mike Queally is on here.

5 Q. The person who testified yesterday?

6 A. Yes. Matt Jones is on here. And I don't see anybody
7 else who has worked as a rigger for us on this list.

8 Q. Thank you. I'd like to ask you some questions about
9 scheduling.

10 A. Okay.

11 Q. How do you receive your work schedule?

12 A. So there is a shared Google document, spreadsheet, that
13 is updated -- we schedule about a week out, and then when
14 the schedule for the next week or 2 weeks from now is ready,
15 Jason Phillips will send me a text message and say the
16 schedule is ready and take a look at it.

17 Q. And who is Jason Phillips?

18 A. Jason Phillips is one of the full-timers at the Gaylord.
19 He has a desk and is in charge of most of the scheduling, as
20 far as I can tell.

21 Q. And where is his desk located?

22 A. Right next to Chad's.

23 Q. And is that in the rigging officer?

24 A. It is.

25 Q. And is he a rigger or a rigging supervisor?

1 A. I don't know. I mean, he works as a rigger. I don't
2 know if supervisor is in his job title or not.

3 **(Petitioner's Exhibit 17 marked for identification.)**

4 Q. BY MS. SIMON: I am going to show you what's been marked
5 as Union Exhibit 17. Sorry about that.

6 A. No worries.

7 Q. Is this the schedule that you just referred to?

8 A. Yes.

9 Q. And who are the people that are on this schedule?

10 A. All of the people who work as riggers in the D.C. area.

11 Q. Okay. Is anyone who is not a rigger on the schedule?

12 A. So if you get closer to -- it would be closer to the
13 bottom, if it was all in one sheet, which is how I normally
14 see it. I have no idea who Darnell Smith or Eric Mitchell
15 are, and I believe I've met Jimmy Navarro one time. And
16 then I guess on this printout, the next page, which would be
17 the very, very bottom, there are five names of people who
18 used to work as riggers but have not in years. I guess a
19 year in Bobby Fingles's case, but years for everybody else.

20 Q. And I'm looking at I think it's page 4 of this document.
21 Are you referring to Bobby Fingles, Steven Raborn, Randy
22 Sullivan, Devon Doyle, and Ron Menga?

23 A. Yes. That would be the very end, like the very bottom
24 of the spreadsheet, as you see it on a computer screen.

25 Q. Okay.

1 A. And those guys or those people haven't worked for us for
2 years.

3 Q. Okay. When they did work for PSAV, they worked -- they
4 were riggers?

5 A. I believe so, yes.

6 Q. So do you know how the schedules are created? In other
7 words, how it's decided what shifts people are working
8 and --

9 A. So we get sort of roughly assigned to places. For
10 example, I am often put initially on the schedule -- if we
11 have an outside property in Virginia, I'm one of the four
12 riggers that live in Virginia, so I often am put on those.
13 But Jason accessing whatever digital system PS uses to
14 organize their events, and then messages from the off-
15 property RC's and then forecasting by Chad on large upcoming
16 events, is all compiled, and then we're sort of tentatively
17 filled into the schedule and Jason lets us know that it's
18 ready to look at, and then we choose to accept or deny any
19 shift that we're scheduled for, and there's a lot of horse
20 trading that happens too.

21 Q. So you said you could accept or deny shifts that you're
22 assigned. How much control do you have over your schedule?

23 A. I'm allowed to accept or decline any number of --
24 there's no penalty for just saying no to everything.

25 Q. Is this the only document or the only schedule that you

1 look at to get your hours and your places to report?

2 A. The spreadsheet itself has multiple tabs, so you can
3 sort of look out a few weeks and see what's tentatively
4 coming down the pike, but I've never had any other method of
5 scheduling, with the exception of rigging -- the other
6 rigging coordinators, the two Erics, will sometimes text me
7 with specific, like hey, can you do the Ritz Tyson's, for
8 example, on Tuesday, and I'll text him yes or no.

9 Q. And you mentioned earlier the different maybe tabs on
10 the Google document.

11 A. Um-hum.

12 Q. Looking out, would those tabs indicate different weeks
13 of the riggers' schedule?

14 A. Yeah. Yeah. All of our schedules have run Monday to
15 Sunday, and so then you can look ahead in one week
16 increments.

17 Q. Okay. So I'm looking at Exhibit 17, for example, the
18 first few pages, say there would be riggers schedule, week
19 of Saturday, starting 10/1/2018.

20 A. Um-hum.

21 Q. And then if you go back, I think it's page 6, it looks
22 like it starts again riggers schedule week of Saturday --

23 A. Yes.

24 Q. -- October 8th. Would that be a separate tab, that new
25 week, would that be a separate tab on your --

1 A. It would be.

2 Q. Okay.

3 A. And then as we progress like chronologically through
4 time, the main tab that opens up with always be the week
5 that we're in.

6 Q. Have you ever seen an AV technician scheduled on a
7 rigger schedule?

8 A. I have not.

9 Q. Can you trade any shifts on the rigging schedule with an
10 AV tech?

11 A. No.

12 Q. Do you receive your schedules from anyone besides
13 rigging coordinators or rigging supervisors?

14 A. If that's what Jason's job title is, then no.

15 MS. SIMON: I'd like to move in for admission Union
16 Exhibit 17.

17 MR. WILLATS: No objection.

18 HEARING OFFICER ANDELA: Union 17 is admitted.

19 **(Petitioner's Exhibit 17 received in evidence.)**

20 Q. BY MS. SIMON: So yesterday were you present when Mike
21 Queally testified regarding his job as a rigger at the
22 Gaylord?

23 A. I was.

24 Q. And did you have the opportunity to listen to his
25 testimony?

1 A. I did.

2 Q. And did he describe some of the work that you and other
3 riggers performed in the atrium and the ballrooms and the
4 exhibit hall?

5 A. He did.

6 MR. WILLATS: Objection. Withdraw that.

7 THE WITNESS: More eloquently than I feel I could have.

8 Q. BY MS. SIMON: Do you agree that the testimony that he
9 gave was accurate?

10 MR. WILLATS: Objection, improper. It's calling
11 effectively for a narrative and an affirmation of every
12 single word that he said throughout his testimony. This
13 witness needs to testify to facts relating to his own
14 personal knowledge, not an affirmation of something that was
15 said by another witness. That's the reason why we wanted
16 sequestration to begin with.

17 HEARING OFFICER ANDELA: So do you want to ask any
18 specific questions or do you want him to tell his own --

19 MS. SIMON: I would be -- we can go through all the work
20 in the exhibit hall. We can go through the work in the
21 atrium. We can go through -- go through that work. I was
22 hoping in the interest of time to move along.

23 HEARING OFFICER ANDELA: Have you changed your
24 objection?

25 MR. WILLATS: Listen, as much as I want to go home for

1 Christmas, I'm not going to threaten or sacrifice the rules
2 of evidence because of my personal travel schedule, so --

3 MS. SIMON: And, again, the rules of evidence are a
4 guide at best in these proceedings.

5 HEARING OFFICER ANDELA: Could we maybe start with a few
6 specific questions and then we'll see if there's an
7 additional need -- if you think there's a need for --

8 Q. BY MS. SIMON: Do you recall that Mr. Queally generally
9 testified about working in the atrium, working at height,
10 installing temporary points in the ceiling?

11 A. Yes.

12 Q. At the atrium? Is that work that riggers at the Gaylord
13 perform?

14 A We do.

15 Q. Is that work that you have performed?

16 A. I have.

17 Q. Do you recall that Mr. Queally testified regarding the
18 person who is up in the air working at height, and then a
19 number of additional riggers working in various capacities
20 down as ground riggers?

21 A. There are a number of additional riggers working.
22 Relatively few of them are ground riggers. Most of them are
23 support riggers up at -- not at height, because they're on a
24 catwalk, but they are on a building. They're not in danger
25 of falling off of things, but they are not on the ground.

1 They are just -- layers and then the people who are helping
2 control -- the lines that he's running are much closer to
3 him, altitude-wise, than the ground riggers are.

4 Q. And when you say "him," who are you referring to?

5 A. Whoever the skater happens to be, so in Mike's video, it
6 was Mike.

7 MR. WILLATS: Now, sir, if I may, because I may be able
8 to shortcut this, we'll stipulate that Mr. Queally's
9 testimony as it related to harness work and going up into
10 the ceiling in the exhibit hall, using the equipment that he
11 testified about and ground riggers support the ropes and the
12 belays when the individual is up in the harness, we'll
13 stipulate that that work is only done by individuals who are
14 currently classified as riggers. So we have no dispute
15 about that.

16 HEARING OFFICER ANDELA: Is there more beyond that that
17 you want to get on there?

18 MS. SIMON: I do want to get on a little bit more. But
19 that stipulation is fine and it will definitely shortcut
20 some of his testimony.

21 HEARING OFFICER ANDELA: Okay.

22 Q. BY MS. SIMON: Were you involved in the Christmas on the
23 Potomac show? Have you been involved in --

24 A. Yes, I was.

25 Q. -- moving in and loading that job?

1 A. I have.

2 Q. And you work regularly in the exhibit hall?

3 A. I do.

4 Q. And do you install temporary points?

5 A. I do.

6 Q. And do you perform harness work at times?

7 A. I do.

8 Q. And of the 18 or 19 other riggers at the Gaylord, how
9 many of these individuals perform these various types of
10 work?

11 A. I would -- so I would say that every person who is a
12 rigger at the Gaylord except for Chad has been in a boom
13 lift in the exhibit hall, installing points.

14 Q. And, approximately, if you could approximate how much of
15 your time at the Gaylord is spent performing this kind of
16 work in the exhibit halls and the atrium?

17 A. Personally? Probably about 30 percent of my time. I
18 prefer doing ballroom work, so I take ballroom shifts more
19 often.

20 Q. Do other riggers perform this kind of work more often,
21 the atrium and the exhibit hall work, more frequently than
22 you do?

23 A. Yes. Atrium is an all hands-on deck sort of thing, and
24 almost all of us are on those specific jobs but there are
25 people who do more work in the exhibit hall than I do, yes.

1 Q. Do AV technicians do any of the work that we've just
2 discussed?

3 A. They do not.

4 Q. Does anyone who is not classified as a rigger do any of
5 the work that we just discussed?

6 A. They do not.

7 MS. SIMON: So with those additional questions, we can
8 stipulate to the remainder of -- we can enter into a
9 stipulation.

10 MR. WILLATS: Agreed.

11 Q. BY MS. SIMON: How much of your time would you say is
12 spent performing work in the ballrooms at the Gaylord?

13 A. Sixty, seventy percent.

14 Q. Okay. And were you working on -- at least on Wednesday
15 there was a time lapse video presented of the Scripps
16 Spelling Bee.

17 A. Yes, I have worked on that.

18 Q. Did you see that video?

19 A. I did.

20 Q. And were you present during the loading of that show?

21 A. I was.

22 Q. Okay. So and is that sort of work that the general work
23 that is shown on that video, is that part of the work that
24 is down in the ballrooms at the Gaylord?

25 A. Sort of. The video started after we had done the

1 majority of our work, so when the video began the truss was
2 all hung and at working height, and that was at least a day,
3 if not 2 days of labor, just to get to that point, that
4 wasn't on the video.

5 Q. Okay. So why don't we start from the beginning.

6 A. Okay.

7 Q. Were you involved in that -- those couple of days of
8 work that were not shown on the video?

9 A. Yes.

10 Q. Okay. All right. So why don't, as best as you can,
11 take us through a day of your loading for that show, which I
12 understand is somewhat similar to other shows in the
13 ballroom that you set up?

14 A. Sure. Sure. The Spelling Bee is a little more complex
15 than normal, but the basics are all the same.

16 Q. So if you could just take us through start your day, you
17 get to work, you get out of your car and you get into the
18 building.

19 A. Okay. So the first thing we have to do is clock into
20 the building's system. We was given an ID badge issued by
21 the hotel, so we clock in there. And then I take the
22 elevator down to the rig shop on the bottom floor, and clock
23 in there, both on the digital HTTP-based time clock system,
24 and we also have a paper record of all the shifts that we
25 work.

1 Q. Does anyone who is not a rigger clock in at this -- in
2 the rig shop?

3 A. The truss builders also clock in, but no other PS
4 employees do.

5 Q. So who builds -- when you say "truss builders," can you
6 define that term?

7 A. Sure. So these are the people who are tasked with
8 laying out and bolting together the truss on any given job.
9 It is -- so the PSAV riggers will do that work, but often
10 our skills as riggers are more necessary doing more aerial
11 or motor control work, and so we have over-hire through Crew
12 Works that will come in and act, excuse me, as truss
13 builders.

14 Q. At the Gaylord Hotel, do PSAV AV technicians build
15 truss?

16 A. Not that I've seen.

17 Q. And let me distinguish that a little bit. Earlier in
18 the last couple days there's been some testimony about
19 building truss for what's been described as ground supported
20 rigging.

21 A. Um-hum.

22 Q. I'm not talking about that kind of truss. I'm talking
23 about the truss that you use as a rigger.

24 A. Right. I'm sorry, that's what I assumed. When --

25 Q. And who built the truss for let's say the bridge arch or

1 whatever we talked about earlier?

2 A. The production people, so either the outside company or
3 the AV techs.

4 Q. And they would build a stick of truss that would be
5 maybe 10 feet in the air to hang a light on?

6 A. Yes.

7 Q. Okay. And they would build the truss bridges for over a
8 doorway?

9 A. They would.

10 Q. This is different trusses that you're discussing?

11 A. Physically, it's -- just say like they are using the
12 same -- the truss is capable of doing both tasks. In the
13 Gaylord specifically we use black powder coded mini-beam
14 trusses, and the operations people have silver trusses that
15 they build their towers out of.

16 Q. Okay. And where is the truss that you use stored?

17 A. It's stored mostly in a room that we refer to as the
18 bowling alley, which is an empty storage space right around
19 the corner from our rigging shop.

20 Q. And where is the silver truss that the operations people
21 use?

22 A. Most of it is stored up one floor in a back hallway near
23 the Maryland Ballroom.

24 Q. And when you say operations people, are you referring
25 to -- who are you referring to?

1 A. Oh, sorry. The AV technicians. We refer to that, like
2 the PSAV production side as the ops department.

3 Q. Thank you. Okay, so I think we were back clocking in.
4 The riggers clock in, in the rig shop, you said, and the
5 truss builders --

6 A. Yes.

7 Q. -- clock in, in the rig shop?

8 A. Yes.

9 Q. And, again, those truss builders are employed by whom?

10 A. So, depending on how busy we are, the truss builders are
11 either PSAV riggers or they are over-hire people that are
12 hired through corps who work as riggers for us, and then
13 there are also people who are brought in specifically who
14 are truss builders who have not worked as riggers for us.

15 Q. Okay. So you clock in, you sign in.

16 A. Um-hum.

17 Q. What happens next?

18 A. So then we make sure that we have all of the equipment
19 we need. Typically, the span sets and shackles and motor
20 control cables have already been pulled by one of the other
21 riggers that morning or the day before at some point,
22 because there's people -- there's full-timers around so if
23 they have time, they will pull the equipment for us and
24 we'll grab that. We'll get any personal tools that we need.
25 I keep a toolkit in the rigging shop, any ropes.

1 We're going up to the ballroom, so we won't need boom
2 lifts, so we don't need any harnesses, but we'll compile all
3 of our stuff. Half the time we'll need to get truss as
4 well, sometimes we're lucky and one of the other crews has
5 put it in the room for us or it's been left behind by a
6 previous event, which is great. And then we all go upstairs
7 with all of our various boxes of equipment.

8 Q. Are PSAV AV technicians involved with this process of
9 gathering your tools and going upstairs?

10 A. They are not.

11 Q. And then after you get upstairs with your equipment,
12 what happens then?

13 A. So on a larger show like the Spelling Bee, we will have
14 been divided into sort of work groups by Chad or by Joe. On
15 smaller shows we just sort of self determine who is going to
16 be fulfilling what task, so --

17 Q. And you're referring to Chad Houseknecht and Joe
18 Galitsky?

19 A. I am.

20 Q. Thank you. Go ahead.

21 A. So there will be a couple of people who will start
22 directing the truss builders and laying out the truss, close
23 to where its final position is going to be, so we can still
24 access the ceiling above it. There will be a couple of
25 people who begin laying out motors roughly in the room where

1 they're going to want to be hung. There will be a couple
2 people who will go and get scissor lifts and start actually
3 physically hanging the motors in the room, and then they'll
4 be one or two people who establish or set up our power
5 distribution, so we can power our control boxes for our
6 motors. Excuse me.

7 So typically after the first sort of initial flurry of
8 activity in the first few minutes, you typically have one
9 person on the ground as a ground rigger, working with a
10 person up in the lift, so they are moving obstacles out of
11 the lift's way. They're attaching the hoists to the rope of
12 the person who's in the platform.

13 And as we begin getting motors hung in the ceiling,
14 another person or two people will go through with a
15 temporary power line and float all of the motors. They'll
16 run them until they're hanging two feet off the ground or
17 so, so they won't interfere with the truss as we move it
18 into place.

19 And so if we've sort of divided ourselves up well, the
20 truss will be done being bolted together right about when
21 all of the motors have been floated hopefully. Sometimes it
22 doesn't work out that well, but that's kind of the goal.
23 And then we will position the truss under the motors, like
24 where it needs to wind up hanging. We will run the more
25 permanent control and power lines to the motors, and then we

1 will rig the motors to the truss itself, using Daxlex (ph.)
2 span sets.

3 Q. And you have talked a lot about "we" and about people;
4 just to confirm, what job classification for PSAV are the
5 people that you're working with during this process?

6 A. The riggers.

7 Q. And are you also working with the non-PSAV truss
8 builders?

9 A. No. Oh, I'm sorry. Sorry. Not PSAV -- yes, yes. The
10 non-PSAV truss builders are also in the room helping us bolt
11 the truss together and move it into position.

12 Q. Okay, great. Please continue.

13 A. Okay. So we've got the truss sort of roughly -- well,
14 we've got the truss below the motors that it's going to be
15 suspended from, and we've got all of the cables permanently
16 -- permanent for the production, attached on the truss, and
17 somebody can bring all of the motors in and connect the
18 motors to the truss, and then we take it up to what we call
19 working height, which is about 3 feet off the ground or so,
20 and then we go through, double-check all of our work, secure
21 our cables to the truss, including the strain relief of the
22 end, so there's not a lot of tension on the cable. It's
23 like on the cable connections, and then we're mostly done
24 for a while.

25 At this point typically the truss builders go home,

1 they're done, because all the truss is built. They might
2 hang out for a few minutes just to make sure we're all set,
3 but that's effectively the end of their day.

4 And then the production company, whoever they are, be it
5 PS or an outside vender, comes and begins attaching their
6 equipment to the truss.

7 Q. So in the Scripps Spelling Bee who were the production
8 people employed by?

9 A. Atmosphere Lighting was doing the lighting. The scenic
10 was done by I think they're called TCS, something like that.
11 It was a scenic company. And then PSAV was responsible for
12 the audio and video.

13 Q. So were you working with the production folks from all
14 of those --

15 A. Yes.

16 Q. -- various companies --

17 A. We were.

18 Q. -- at this point? So please continue.

19 A. So we honestly don't have a whole lot to do at this
20 point in the day. We tend to all hang out near where we've
21 stored our equipment temporarily. It tends to be in the
22 middle of the room, so people can find us if they need
23 something. And then we mostly hang out for a couple hours.
24 Audio is often not directly connected to the truss. They
25 will often hang from individual motors in the -- so it's

1 just ceiling to motor to speaker, like there's no truss or
2 anything in between.

3 Q. Okay.

4 A. So that is often the first things that we really take
5 out to its final trim. So a couple of us, one or two of us
6 will be working with an audio supervisor of some sort to
7 like bring the motors in and out as they make adjustment to
8 their speakers, and then we'll generally fly those to trim
9 first.

10 When the speakers are at trim, we'll focus them, which
11 is done most of the time by tying a piece of tie line to --
12 the piece of steel on the top of a speaker that connects the
13 speaker to the motor is called a bumper for some reason, and
14 we will tie string from the bumper to another point in the
15 ceiling to force it to hang in the direction the audio
16 company wants it to hang.

17 Q. And when you talk about the point in the ceiling, are
18 you talking about the permanent rigging points?

19 A. Most of the time, yes. We can also use -- we have what
20 we call banner points in the ceiling, which are like little
21 eyehooks that come out, but a lot of those have failed over
22 the years and so we try and avoid using them.

23 Q. And who is doing that work of tying the speaker to the
24 access to the point?

25 A. The riggers are.

1 Q. Are PSAV or any other company AV technicians doing that
2 work?

3 A. No. They will have an opinion that they'll direct us
4 from the ground as to what angle works for them, if they
5 think that's a good spot or not, but we're the ones doing
6 the work.

7 Q. Please continue.

8 A. So then it's a waiting game. Like we assume -- the
9 timing of the Spelling Bee specifically is difficult because
10 there's a mother grid and a number of other different moving
11 parts and so it's --

12 Q. When you say a motor grid, what do you mean?

13 A. So all of the things that we need to support for that
14 job specifically are not -- it's not conducive to use the
15 hard points in the ceiling for every single motor attachment
16 that we need to make, so we will build sort of a grid out of
17 truss, that will be above everything, and then that supports
18 other smaller trusses that move below it.

19 Q. Are PSAV AV technicians involved in building or hoisting
20 those trusses?

21 A. No, they are not. So timing-wise, Spelling Bee is a
22 little different from most jobs because it's such a large
23 job and there's so many moving pieces at one time. But
24 typically we wait for whatever the production company is to
25 install whatever equipment it is they're using, being lights

1 or sometimes audio or video or whatever. And then we go and
2 recheck their work just to make sure they're on there okay.
3 We will often install safeties onto the -- it's almost --
4 well, video often doesn't safety their equipment across
5 every company. I have no idea why. So we regularly ensure
6 that the projectors are attached to the truss safely, but we
7 look at everything. We double-check everything. We make
8 sure all of the various safety mechanisms are installed.

9 Q. Onto the --

10 A. Onto the truss.

11 Q. Tying the equipment to the truss?

12 A. Yeah. The equipment has already been attached, but like
13 lighting fixtures have little eighth-inch aircraft cable
14 safeties that loop around, so we check all of those. We run
15 steel core span sets for the projectors.

16 Q. The work of hanging the audio, the video and the
17 lighting from the truss, doing that initial work, is that
18 considered riggers' work?

19 A. No. No, no. Those are what technicians do.

20 Q. So your role then, you come in afterward for the safety
21 check?

22 A. Yes.

23 Q. Thank you. Please proceed.

24 A. So when everything is on the truss and we're all set,
25 we'll make sure --like we'll find the department head of

1 each group, is audio ready, is video ready, because
2 invariably somebody has forgotten something. They're
3 neglected to run an important cable or whatsoever.

4 So we check with everybody, and then we move the truss
5 up to a trim height, which has been determined -- we will
6 often have that information on our plot originally, and it
7 is regularly a little bit inaccurate as lighting and audio
8 and video, all sort of negotiate what trim they actually
9 want, but their project manager is the one who finally --
10 that's 23 or whatever the height is, feet. And then we move
11 it up to trim.

12 Q. And how do you move it up to trim?

13 A. It's controlled by the motor control unit. I think
14 there was a picture of it the other day, but it's a -- that
15 controls eight motors at a time. Yeah, eight motors at a
16 time, and then there's a control panel that comes off of
17 that, so you can move -- we can tie multiple lines into one
18 large control panel, so you can run a bunch of motors at
19 one --

20 Q. And which classification of PSAV employees moves that
21 control panel?

22 A. Riggers.

23 Q. Do PSAV AV technicians move that control panel?

24 A. No.

25 Q. Do they tie in all the various lines to determine how

1 many motors are attached to one panel?

2 A. They do not.

3 Q. And -- go ahead.

4 A. So we're at trim. In the Spelling Bee trim takes a
5 while because scenic needs to do a lot of small moves. Just
6 fitting their pieces together is kind of an awkward process,
7 but generally once we're up at trim we will go through and
8 clean our cables up, so that our cables do not stay
9 connected in most circumstances to our controllers
10 throughout the entire production, so once we're done we will
11 disconnect them from the control units and then generally we
12 tie them back up to the truss, all the slack cable, so that
13 when we come to let out, we can just bring the cable back in
14 and plug it back in and we're all ready to go.

15 Q. And let me just confirm, what kind of cables are the
16 riggers using?

17 A. So we primarily use a seven-pin Soco. It's a specific
18 motor control cable.

19 Q Are there other cables on the truss?

20 A. Yeah, yeah. So audio and video and lighting will all
21 have power and signal running on the truss, generally on top
22 of our cables, because we're cabled first.

23 Q. And do those cables need to remain attached and hooked
24 up throughout a performance?

25 A. They do, yes.

1 Q. Throughout a production?

2 A. Yes.

3 Q. But your cables, the rigger cables, do not?

4 A. The majority of the time, no. There is one show that I
5 have done for the last couple of years that has motor
6 movements in the middle of the show, so those stay
7 connected, but -- and then every once in a while if the room
8 is set up in such a way that allows us to do this, we can
9 leave our cables connected behind a scenic element, so that
10 we don't have to get a lift in there and tie him up, but
11 it's much more common to break the connection and stash our
12 cables up in the sky.

13 Q. Okay. So break the connection?

14 A. Yeah. So we've broken the connections. We've got our
15 cables up on the truss. We check with all of the
16 departments to see if they're all set, like it's last call,
17 and then we go to whoever the -- I guess the client is, the
18 production manager or the production company or if it's a
19 PSAV thing, their PM, and they sign off on our rig report,
20 which some of the paperwork we got in the beginning of the
21 day, and it will list the equipment to be used, how many
22 points in the ceiling there were, how many riggers they had,
23 how long the riggers were there for, and when they sign off
24 on it, we take all of our extra gear and we get out of
25 there.

1 Q. And you said that sometimes the folks that were signing
2 off on these forms were PSAV operations people?

3 A. If it's a PSAV event, if PSAV is doing the production,
4 it will be their PM.

5 Q. And if it is not PSAV, if it's another outside
6 audiovisual company?

7 A. If it's one company that's sort of providing all of the
8 stuff, it will be -- you know, if all we're doing is flying,
9 lighting and Atmo is the provider, then the Atmo lead signs
10 off on it. Typically, especially in large shows like this,
11 a number of different companies are providing all of the
12 different bits and pieces and so it's the overall manager of
13 the production, whoever is in charge of the whole kit and
14 caboodle. That's who we get the signature from.

15 Q. Would that necessarily be a PSAV employee?

16 A. No, not always. I think that less than half of the work
17 that I do at the Gaylord is for PS, as -- less than half of
18 the work I do at the Gaylord is not -- I phrased that wrong
19 too. I'm sorry. Less than half of the work I do at the
20 Gaylord is in support of PSAV production. I would say more
21 than half of my work is for outside companies, so it's not
22 necessarily a PS employee who is signing off on a rig
23 report.

24 Q. Thank you. So at that point you said they sign off and
25 you get out of there.

1 A. Yeah, we're effectively done.

2 Q. So the riggers are effectively done?

3 A. Yep, so we will go back down to our shop. We will -- if
4 we had any spare equipment, we're all de-prepping it.
5 Basically, if you have extra cables, we take them back and
6 put them back on the shelves. And we take a photograph of
7 the rig report and email that to Chad, and then one of us
8 drops it off at the sales office on our way out, but our day
9 is effectively over.

10 Some of us will get pulled into other jobs, if there's
11 something else happening in the building. If it's been a
12 short day, most people are happy to pick up some more hours,
13 but if I've already been there for 12, 15, 18 hours, I'm not
14 staying. Like my job is done, I'm going home.

15 Q. What kind of other work would you pick up?

16 A. Oh, like if there's another rig going in somewhere else
17 in the building, or if they need, you know, I said that a
18 lot of times our equipment has been prepped by another
19 rigger the day before, maybe we'll hang out for a few hours
20 and prep whatever the next show is. I typically go home.

21 Q. So you just described a loading at the Gaylord. When
22 you work at the Marriott, is your routine meaningfully
23 different?

24 A. No. No. The only difference is that in the Marriott
25 specifically we do not use Crew Works to the best of my

1 knowledge. I've never worked there with a Crew Works
2 rigger. In the Marriott Marquis it is often PSAV techs who
3 are acting as our truss builders.

4 Q. And so what would they be doing in that capacity?

5 A. They would be bolting together truss, generally under
6 the supervisor of Randy Whitcomb.

7 Q. Mr. Ruble, how much do you make per hour?

8 A. I recently had my wage increased to 34.50 an hour.

9 Q. And when you started at PSAV 3 years ago, what was your
10 wage rate?

11 A. I believe it was at 30.

12 Q. Have you ever worked as a PSAV AV technician?

13 A. I have not.

14 Q. You've never picked up a shift doing AV technician work?

15 A. I have not.

16 Q. And as far as you are personally aware, have other
17 riggers picked up shifts as AV technicians?

18 A. I don't think so.

19 Q. And what about AV technicians, can they take a shift as
20 a rigger?

21 A. I have had one circumstance where I was assigned a
22 cross-trained tech to be my down-rigger, and it was terrible
23 and dangerous, and I complained to Chad, and he said that he
24 would never put me in that position again.

25 Q. Was that person -- was that person's job classification

1 a rigger as far as you know?

2 A. No, I believe he was still a technician.

3 Q. And has this person become a rigger since that time?

4 A. Not to my knowledge.

5 Q. Have you heard the term rigger assist before this
6 hearing?

7 A. I don't think so, no.

8 Q Do you know any PSAV riggers who have moved from being
9 riggers to change their job classification permanently to
10 become AC techs?

11 A. Oh, go from rigger to technician?

12 Q. Yes.

13 A. No.

14 Q. And besides like Mr. Jones, I believe it was, and
15 Mr. Queally, are you aware of any PSAV AV technicians who
16 have permanently become riggers?

17 A. I am not.

18 Q. I think you said you have just gotten an increase in
19 pay.

20 A. I did.

21 Q. Do you know what that was for?

22 A. It was for passing the ETCP certification exams.

23 Q. And how much was that increase in pay?

24 A. For passing both tests, I received a \$2 an hour bump.

25 Q. Total?

1 A. Yeah, it was \$1.50 for the first one and then 50 cents
2 for the second one.

3 MS. SIMON: I think I'm finished. Can I just have a
4 moment?

5 **HEARING OFFICER ANDELA: Sure. Off the record.**

6 **(Off the record at 11:02 a.m.)**

7 **HEARING OFFICER ANDELA: Back on the record.**

8 MS. SIMON: I have nothing further for Mr. Ruble.

9 HEARING OFFICER ANDELA: Mr. Willats.

10 MR. WILLATS: Yes, sir.

11 **CROSS-EXAMINATION**

12 Q. BY MR. WILLATS: Mr. Ruble, have you worked at the Ritz
13 Carlton at Tyson's Corner?

14 A. I have.

15 Q. As a rigger?

16 A. Yes.

17 Q. At the Hilton Alexandria?

18 A. If that's the same as the Mark Center, then yes.

19 Q. And the Sheraton Premier?

20 A. Yes.

21 Q. Where is the Sheraton Premier?

22 A. It's in Tyson's Corner. It's over by where 7 and the --

23 Q. It's in Northern Virginia?

24 A. It is.

25 Q. D.C. Branch Operations, have you worked there?

1 A. I have worked in the Branch Building, but not for
2 Branch.

3 Q. Okay. Have you worked at the Marriott Marquis?

4 A. I have.

5 Q. Have you worked at the Grand Hyatt Washington?

6 A. I have.

7 Q. Have you worked at the Hyatt Reston?

8 A. Yes.

9 Q. And I'm sorry, have you worked at the JW Marriott here
10 in D.C.?

11 A. I have.

12 Q. Have you worked at the Hyatt Reston?

13 A. Yes.

14 Q. Where is the Hyatt Reston?

15 A. Reston Town Center? It's in Northern Virginia.

16 Q. Northern Virginia. Have you worked at the Marriott
17 Westfields?

18 A. I have.

19 Q. Where is that?

20 A. That is out in Chantilly, which is also Northern
21 Virginia.

22 Q. Now, at the JW Marriott there are no fixed points,
23 right?

24 A. There are the sky hooks.

25 Q. Sir, are there fixed points at the JW Marriott?

1 A. If we're not counting sky hooks as fixed points, then
2 no, there are not.

3 Q. Okay. Do you count a sky hook as a fixed point? Is
4 that what you believe it to be?

5 A. It is in the sense that you can rig from it and it is
6 permanently attached to the structure, yes.

7 Q. A sky hook is permanently attached to the air track?

8 A. No. No. The sky hook, I believe, is permanently
9 attached to the structure of the building.

10 Q. Okay. What device do you attached to an air track?

11 A. An air wall hanger.

12 Q. Okay. You never attach a sky hook to an air wall hanger
13 to your knowledge?

14 A. No. I mean, that --

15 Q. Yes or no, sir. If you know?

16 A. No, what -- no.

17 Q. Okay. So in that incident that you were describing in
18 the email, do you have a general understanding of what you
19 think happened based on your review of the email?

20 MS. SIMON: Objection.

21 MR. WILLATS: It's her document.

22 MS. SIMON: This objection was actually raised by
23 Employer's counsel to limit any discussion or admission of
24 evidence regarding the event that had occurred, as it was
25 established by the witness that he was not present for it.

1 He knew nothing about it other than the email that he
2 received from Mr. Houseknecht.

3 HEARING OFFICER ANDELA: I'll allow it.

4 MR. WILLATS: I think it will become pretty clear --
5 that's not what I said. I asked about a general
6 understanding of what was described in the email.

7 HEARING OFFICER ANDELA: So as opposed to that event?

8 MR. WILLATS: As opposed to that event. If somebody
9 describes running a red light, you don't have to be there to
10 say that I saw people run the red light, but I know what it
11 looks like when somebody runs a red light.

12 HEARING OFFICER ANDELA: I'll let the question continue
13 but I will note that it does seem similar -- it feels like a
14 similar line of questioning that Ms. Simon was trying to
15 identify, so --

16 MR. WILLATS: I think you'll see where I'm going.

17 Q. BY MR. WILLATS: Would you look at Union Exhibit 11,
18 please?

19 A. Sure.

20 Q. No, 11, sorry.

21 A. Ten?

22 Q. Yes, 10. There's an air wall hanging on the track that
23 divides the room.

24 A. Yes.

25 Q. In some form, right?

1 A. Yes.

2 Q. And that same track, if the air wall hanger is on the
3 track and someone tries to close the door, the air wall
4 door, would that air wall hanger obstruct the closing of the
5 door?

6 A. It would.

7 Q. Okay. Generally speaking, the way it was described in
8 this email, Houseknecht would be the guy who works for the
9 hotel who would close the door, right?

10 A. Yes.

11 Q. Based on the email, did you generally understand that
12 when Houseknecht closed the door, when the door hit the air
13 wall track, it caused -- I'm sorry, the air wall hanger, it
14 caused the air wall hanger to pop off the track and fall on
15 the floor?

16 A. That's my understanding, yes.

17 Q. Okay. And, again, generally speaking would that make
18 sense that if there is a hazard that would occur, if someone
19 doesn't connect the air wall hanger correctly to the track
20 under those circumstances?

21 A. Yes, incorrectly fastening anything to the ceiling would
22 be a hazard.

23 Q. Okay. And is it -- did you understand the email that
24 was sent to you, again, to require the certification of air
25 wall hanger, as to mean that when Houseknecht closed the

1 door, even if the door hit the air wall hanger, the air wall
2 hanger should not have popped off?

3 A. Yes. So the implication that I got from the email from
4 Chad was that a properly installed air wall hanger should
5 not have reacted in the way that it did in the circumstance.

6 Q. It should have just stopped the door from closing? It
7 should have served as an obstruction.

8 A. Or caused significant damage to the air wall or the
9 track itself, yes.

10 Q. Right. But in either case, it shouldn't have fallen on
11 the floor?

12 A. Correct.

13 Q. All right. And air wall hangers are used at JW
14 Marriott, correct?

15 A. I have never used them from PS, so I don't know.

16 Q. Okay. If you worked at -- and when you say PS, do you
17 mean PSAV?

18 A. I do, I'm sorry. Yeah, I also refer to them as
19 Presentation sometimes.

20 Q. Okay. When you worked at the JW Marriott, if there's no
21 fixed points, what rigging did you do?

22 A. So I think that we might be referring to two different
23 things when we say sky hooks. When I say sky hook, I'm
24 talking about bus boxes I think was the other name that I
25 heard, but it's a -- it's a steel not pipe ejected, it's a

1 square tube that pulls down from the ceiling about two feet
2 that you can then use as a connection point into the
3 ceiling. It's not related in any way to an air wall.

4 Q. Okay. Well, let me ask you this then. Is a sky hook
5 something you would use for a dead hang?

6 A. Yes.

7 Q. Would you use a chain motor on a sky hook?

8 A. Um --

9 Q. Typically, no, right?

10 A. Typically, no.

11 Q. Because a sky hook is not meant for the potential
12 movement that a chain motor might otherwise -- or the
13 tension a chain motor might otherwise cause on the sky hook
14 fixed on the ceiling?

15 A. That is one reason I would not use a hoist on a sky
16 hook, yes.

17 Q. Okay. So if you -- so do you rate it on a sky hook then
18 at JW?

19 A. Yes.

20 Q. All right. And in order to get to that, since you
21 weren't using a chain motor --

22 A. Um-hum.

23 Q. -- what equipment did you use to get to it?

24 A. We used -- they're referred to as Genie crank towers.
25 It's basically a winch, a hand-operated winch that has a set

1 of forks, so you can click equipment on the forks and then
2 winch it up to whatever height, and then we would go up on a
3 ladder and dead hang the truss from the points in the
4 ceiling.

5 Q. Okay. So the winch would elevate the truss to a level
6 where you could then from a ladder connect it to the sky
7 hook?

8 A. It would.

9 Q. Okay. So that's an example of you -- and is that
10 considered rigging?

11 A. I believe so, yes.

12 Q. Even though you're not using a chain motor?

13 A. That's correct.

14 Q. So using a hand crank to elevate the truss would be --
15 is considered rigging?

16 A. Sure.

17 Q. Okay. Now, you're a part-time rigger, right?

18 A. I am.

19 Q. Who else do you work for?

20 A. It's a pretty significant list.

21 Q. Okay, let me stop you there. Is the other work that you
22 do through 22? I see you're wearing a Local 22 shirt.

23 A. Some of it, yes.

24 Q. Okay. Do you freelance then?

25 A. Yes, I do.

1 Q. Okay. So the same way you work for PSAV, you work for
2 other companies as well?

3 A. I work more often for PS than I work for any other one
4 company but, yes, I am a part-time employee at many places.

5 Q. Okay. And roughly how many employers do you work for,
6 including through the Union?

7 A. I would hazard to guess at a dozen-ish, but that could
8 be up to 18 or 20.

9 Q. Okay. Up to 18 or 20 over the course of a year?

10 A. Um-hum.

11 Q. All right. Yes?

12 A. Yes.

13 Q. Okay. And yesterday Mike Queally testified that 50
14 percent of the time it's PSAV doing the AV work and 50
15 percent of the time it's an outside company doing it. I
16 heard you say you think it's less than 50 percent that PSAV
17 does the work.

18 A. In my experience it is 50 percent, yes.

19 Q. And that was my question. That's based on your
20 experience as a part-time rigger at PSAV?

21 A. It is.

22 Q. Okay. And that's also at the Gaylord, right?

23 A. It's all of the properties that I've worked for as a
24 rigger for PS.

25 Q. So if the Hilton Alexandria, if I said that you worked

1 23½ hours at the Hilton Alexandria, you still believe that
2 it's only 50 percent of the time that PSAV does the
3 production work at that hotel?

4 MS. SIMON: Objection. I really don't know where we're
5 going at this point.

6 MR. WILLATS: Well, I don't think --

7 MS. SIMON: I also --

8 MR. WILLATS: I think he said location by location.

9 MS. SIMON: It's really speculative. He also --

10 MR. WILLATS: Talk about speaking objections.

11 MS. BICHNER: We still haven't been provided with the
12 information for the time period for when these hours were
13 worked that counsel is referring to, whether it's a year or
14 2 years?

15 MR. WILLATS: Well, you want to stop the witness and put
16 somebody up, because I have someone to put on. I could tell
17 you what it is.

18 HEARING OFFICER ANDELA: You want to tell us now and --

19 MR. WILLATS: Then we could validate it with testimony
20 later?

21 MS. BICHNER: That's fine.

22 MR. WILLATS: It's the last 2 years. It's from January,
23 2017 until -- almost 2 years. Until the end of November,
24 2018. That's the time period. That's what our witness will
25 testify to.

1 MS. SIMON: So Mr. Ruble is talking about the 23 hours
2 over the last 2 years?

3 MR. WILLATS: Okay. Well, now we're past the
4 objection -- let me just show him the exhibit.

5 Q. BY MR. WILLATS: I'm showing you Employer's Exhibit
6 Number 3, and if you would turn to Page Number 5?

7 A. Okay.

8 Q. So if you accept for purposes of my comments to you now
9 that the 1986.36 hours represents the amount of hours you
10 worked for PSAV from the period January, 2017, through
11 November of 2018, so roughly 23 months.

12 A. I don't see anything that would indicate that's not
13 true, so sure.

14 Q. Okay. And if you look under -- where we were talking
15 about the Hilton Alexandria, shows that you worked 23½ hours
16 there.

17 A. Yes.

18 Q. Okay. So my question, getting back to where we were
19 before, is is it your opinion that even though you worked
20 only 23½ hours at the Hilton Alexandria, that only roughly
21 50 percent of the time PSAV does the production work at that
22 property?

23 A. It's my opinion that the hours that I have worked there,
24 less than 50 percent is for PSAV productions, and I
25 believe -- I'm not positive that I remember every moment I

1 was in the Hilton, but I believe all of those hours were in
2 support of outside production companies.

3 Q. Okay. And what production company was there?

4 A. I have no idea.

5 Q. Do you remember when you worked there other than
6 sometime in the last 23 months?

7 A. I would have to check my calendar. I don't remember the
8 exact days. I remember that it was a children's fashion
9 show, I believe, and it was an outside production company
10 that was setting it up.

11 Q. Okay. So PSAV didn't do any audio video work or
12 lighting at that show?

13 A. The job that I am thinking of, I do not think that PS
14 was doing any of the support, no.

15 Q. Okay. I might be only thinking, I may have done two
16 jobs down there. Twenty-three hours would indicate that I
17 won't as there for two different things. I don't remember
18 what the other one was.

19 Q. Okay. At the Gaylord you believe the production work is
20 50 percent -- is less than 50 percent PSAV work? For the
21 shows you worked?

22 A. Based on the events that I've done, yes.

23 Q. Okay. Let's focus on the shows where PSAV did the work?

24 A. Okay.

25 Q. Okay. At the Scripps Spelling Bee the testimony was

1 that PSAV did two of the three in terms of projection,
2 lighting and video. I'm sorry, lighting, audio, or video.
3 Does that sound right?

4 A. Of those three departments, yes, they were responsible
5 for two of them.

6 Q. Can you remember which two?

7 A. Audio and video.

8 Q. Okay. And it's your testimony that on that day, as you
9 indicated from the video, the time lapse video that's been
10 admitted into evidence, it's your testimony that the truss
11 was put together before you got there; is that right?

12 A. No. I testified that the truss was put together before
13 the video began.

14 Q. Okay. So did you see the truss being put together?

15 A. Yes.

16 Q. Okay. And it's your testimony that no AV technician
17 helped to build that truss?

18 A. It is very uncommon -- well, uncommon to the point --

19 Q. I'm asking about that show. I'm just asking about that
20 show.

21 A. Okay.

22 Q. Is it your testimony that no PSAV AV technician put
23 together that truss?

24 A. Correct.

25 Q. Okay. The only people who put together that truss were

1 riggers and Crew Works if Crew Works is hired by PSAV,
2 correct?

3 A. Yes, they are.

4 Q. At the Marriott Marquis, I think your testimony was, I'm
5 pretty sure, that AV technicians do put together the truss
6 at that location?

7 A. They have, yes.

8 Q. Well, I think your exact words were that you -- that
9 you've never seen Crew Works there and that only AV
10 technicians for PSAV put the truss together?

11 A. So I have never seen Crew Works there, but there is
12 another over-hire company that does work in that hotel for
13 PS, and so it may have been their technicians. But I have
14 seen -- I have definitely seen PSAV techs build truss. I
15 have seen people who I don't know who they were.

16 Q. How about the other properties where truss is used, have
17 you seen AV technicians build truss there at any other PSAV
18 property?

19 A. I do not think that I have seen AV technicians build
20 truss that I then suspend.

21 Q. Okay. How about truss you didn't suspend?

22 A. As in like truss bridges and stuff?

23 Q. No. You qualified my question with truss that you
24 suspended. Does that mean you saw AV technicians putting
25 together truss that you didn't suspend?

1 A. So truss that -- the same -- truss that has the same
2 physical capabilities is used both for suspending above head
3 and also for building truss towers and truss arches and
4 stuff, so I have seen technicians use truss to build the
5 ground supported structures.

6 Q. Okay. But you've never seen technicians build truss --
7 is it your testimony that outside the Gaylord and the
8 Marriott, in other words this question doesn't apply to the
9 Gaylord or the Marriott. For all the other properties that
10 you work at for PSAV, it's your testimony that you never saw
11 an AV technician put together truss that was suspended in
12 the air?

13 A. I cannot swear for sure that all 2,000 some odd hours
14 that I worked, definitely no tech ever touched truss ever,
15 but to the best of my knowledge, no, AV technicians did not
16 build the truss that I then suspended.

17 Q. Okay. But obviously you weren't in every hotel at all
18 times.

19 A. Right.

20 Q. So if Mr. Wallace testified that AV technicians put
21 together truss --

22 MS. SIMON: objection.

23 Q. BY MR. WILLATS: -- on other properties, you have no
24 reason to dispute that, do you?

25 MS. SIMON: Objection.

1 HEARING OFFICER ANDELA: I think the answers that he's
2 given kind of -- I think they've answered your question and
3 I'm not sure this --

4 MS. SIMON: The witness has already testified as to what
5 he --

6 MR. WILLATS: Okay. The Hearing Officer is talking.
7 That's fine, I'll withdraw the question. By the way, if you
8 just say sustained, I'm not offended by that. If that's
9 your position, that's fine.

10 Q. BY MR. WILLATS: So with regard to -- I'll withdraw
11 that. Oh, when you -- you said that when you work at other
12 properties like the Hilton Alexandria, the Sheraton Premier,
13 in other words properties outside the Gaylord or the
14 Marquis, is there a rigging coordinator on site?

15 A. No. I have never had a rigging coordinator on site
16 outside of the Gaylord or the Marquis.

17 Q. Okay. Is it correct to say that the only supervisor
18 from PSAV that's on site then would be the DET?

19 A. Yes.

20 Q. Have you ever interacted with the DET at a hotel other
21 than the Gaylord and the Marriott Marquis?

22 A. Probably. I can't say for certain that I have
23 definitely interacted with DETs, but I have at the Grand
24 Hyatt, and I believe I met the DET at the Mark Center.

25 Q. Have you ever -- has a DET ever gotten involved in

1 discussion about an event that was being set, that you
2 participated in?

3 A. No more than how are things going, do you need anything,
4 no.

5 Q. Okay. So DET may come up to you and say, how are things
6 going, do need anything?

7 A. Yeah, yeah.

8 Q. When you're working on those properties, at the
9 properties other than the Gaylord and the Marquis, do you
10 consider yourself an independent contractor?

11 A. No. I'm a PSAV employee.

12 Q. Okay. When you are at the Gaylord, do you know someone
13 by the name of Carl Turner?

14 A. I do.

15 Q. Who is Carl Turner?

16 A. He is the DET of the Gaylord.

17 Q. Have you ever attended meetings with Carl Turner?

18 A. I believe Carl has stopped by our annual rigging
19 meeting, but he does not stay for very long.

20 Q. Okay. That wasn't my question. My question is have you
21 ever attended meetings with Carl Turner, not -- where Carl
22 Turner was heading the meeting?

23 A. Oh, where just Carl was in attendance?

24 Q. No, let's start over.

25 A. Okay.

1 Q. When you have a rigging meeting with Chad --

2 A. Yes.

3 Q. -- who runs the meeting?

4 A. Chad.

5 Q. Okay. Replace Chad in this question with Carl. Have
6 you ever been in a meeting where Carl was running the
7 meeting?

8 A. I have not.

9 Q. Have other riggers to your knowledge been in a meeting
10 where Carl Turner ran the meeting?

11 A. I have no idea.

12 Q. Have -- so have you ever attended a meeting with AV
13 technicians and riggers together?

14 A. I have not.

15 Q. Never?

16 A. No. There was --

17 Q. Sir, if the answer is no, the answer is no.

18 A. Yeah, and I do not believe that I've ever -- from what I
19 remember, I've not attended a meeting with AV techs and
20 riggers.

21 Q. You talked about when you put a rig up to ceiling height
22 or trim height, that you most often disconnect the cables
23 that run the motors?

24 A. Yes.

25 Q. Okay. And you said you put them in the ceiling, right?

1 A. Yes.

2 Q. You stash them in the ceiling.

3 A. Well, so I may have not been as precise as I should have
4 been. We coil them up on the truss itself, so in the air
5 but not physically above the drop ceiling.

6 Q. Okay. So the cables remain on the truss. You
7 disconnect them from the motors and coil them up and leave
8 them on the truss?

9 A. Yes.

10 Q. You talked about the black truss is what the riggers use
11 and the silver truss is what's in the ballroom? I'm sorry,
12 the silver truss is used by the operations team?

13 A. In terms of truss that is owned by PSAV in the Gaylord
14 that is 12 by 12 inches in diameter, yes. Or not diameter,
15 the 12 -- 12-inch box truss, yes, the black truss is -- that
16 is owned by PS in that property, the black truss belongs to
17 rigging and the silver truss is used by operations.

18 Q. Do you attach motors to black truss?

19 A. Yes.

20 Q. Do you attach motors to silver truss?

21 A. I have not attached motors to PSAV-owned silver truss to
22 the best of my recollection.

23 Q. So in the video yesterday it shows motors, it shows
24 silver truss going up in the air.

25 A. Yes. A lot of that truss in that video was 20 inch,

1 which is a different size of truss, and the -- if there was
2 mini-beam that was silver, it was in all likelihood rented
3 from 4Wall or some other outside rental company.

4 Q. Is your distinguishing point that -- withdraw it. But
5 the truss would have been rented by PSAV to put the rigging
6 together, right?

7 A. Yes.

8 Q. So your distinguishing point here is that PSAV doesn't
9 own that particular truss?

10 A. In that specific circumstance, yes.

11 Q. Okay. So now I'm getting to the next circumstance. Are
12 you saying does PSAV have silver truss?

13 A. They do.

14 Q. And is your point that you never attach a motor to PSAV
15 owned silver truss?

16 A. In the Gaylord I cannot think of a time where I have
17 attached a motor to silver truss that was directly owned by
18 PSAV.

19 Q. Okay. But you've attached motors to black truss?

20 A. I have.

21 Q. That PSAV owns?

22 A. They do.

23 Q. Are PSAV lights attached to black truss from time to
24 time?

25 A. They are.

1 Q. How about projectors?

2 A. If PSAV owns the projectors, then yeah, I guess so. I
3 don't know who owns them specifically.

4 Q. Okay. And you said speakers are usually attached
5 directly to the hooks, right, to the fixed hook?

6 A. They're more often than not --

7 Q. I'm sorry, I butchered that question. You said -- I
8 thought you said most of the time speakers are directly
9 attached with a chain motor to the fixed points at the
10 Gaylord.

11 A. They are often attached directly to the -- well, they
12 are often attached to motors without truss in between, yes.

13 Q. Okay. There are times where it's attached to truss?

14 A. Sometimes.

15 Q. And there are times where it's attached to truss owned
16 by PSAV?

17 A. Yes.

18 Q. There are times where it's attached to truss rented by
19 PSAV?

20 A. Yes.

21 Q. And when these, whether it's video or speakers or
22 lighting, it's the AV technician, either in audio sound or
23 video that attaches that piece of equipment to the truss,
24 correct?

25 A. It is.

1 Q. And Michael Queally testified one way yesterday, and I
2 want to make sure yours is the same -- well, I'll ask the
3 question this way. Do you attach that safety wire to the
4 light after it's already been attached to the truss by the
5 technician, as an example?

6 A. I can't say that I've never ever done it, but the vast
7 majority of the time, if the safety cable is not there, I
8 don't have one, so I need to go get a lighting person to fix
9 it.

10 Q. Okay. So my general understanding was that the
11 technician attaches the safety cable and the rigger inspects
12 it?

13 A. Yes.

14 Q. Is that consistent with your thinking?

15 A. That's a fair statement.

16 Q. Okay. And when you do that inspection, I think you said
17 the video guys lots of times don't attach the safety line?

18 A. In my experience the video department rarely neglects to
19 have the proper safety equipment to safety their equipment
20 to the truss.

21 Q. That was like a double --

22 A. I'm sorry.

23 Q. You said rarely -- you said rarely and neglects. That
24 means they always do it.

25 A. I did. So, no, I did misspeak. The video department

1 rarely has the equipment they require to safety their
2 equipment to the truss.

3 Q. Okay. So if you, since they rarely do it, are you
4 generally suspect of the video equipment, when you see it on
5 a truss? Are you more suspect of that than anyone else,
6 because of your experience with the video guys?

7 A. No, I wouldn't say I'm any more or less suspect. I tend
8 to, when I walk into a room where there's rigging in the
9 air, even if I didn't do it, I almost always check to see if
10 safety is on equipment.

11 Q. Okay. And if the safety line -- well, what did you call
12 it, the safety line?

13 A. For the lighting equipment or the video?

14 Q. I didn't know there were two names, so let's start with
15 the lighting.

16 A. Okay. So lighting fixtures are most often safetied
17 with -- they're called lighting safeties. It's eighth inch
18 aircraft cable.

19 Q. Okay. And what about the video?

20 A. For video we safety them with steel core span sets.

21 Q. Okay. So if you walk up to either a piece of lighting
22 or a piece of video or lighting equipment or video
23 equipment, attach a truss, and you don't see the appropriate
24 safety line on there, you don't put it on yourself, you'll
25 go and talk to the applicable technician and have them put

1 it on?

2 A. Yes.

3 Q. And then I assume you'll re-inspect it once they do
4 that?

5 A. I will. Or one of the other riggers will, yes.

6 Q. Okay. Have you ever eaten at the Gaylord cafeteria?

7 A. I have.

8 Q. Is there a separate cafeteria for riggers?

9 A. There is not.

10 Q. Have you eaten with AV technicians? Have you seen AV
11 technicians in the cafeteria when you've eaten there?

12 A. Yeah, probably.

13 Q. PSAV AV technicians?

14 A. Yeah.

15 Q. Okay. How about at the Marriott Marquis, have you eaten
16 food there?

17 A. I have.

18 Q. All right. Have you eaten with or seen PSAV technicians
19 in the same eating area?

20 A. I believe so.

21 Q. Is there a separate rigging office at the Marriott
22 Marquis?

23 A. There is not.

24 Q. Okay. So is there a PSAV office at the Marriott
25 Marquis?

- 1 A. There is.
- 2 Q. Have you gone into that office?
- 3 A. I have.
- 4 Q. And are AV technicians sometimes in that office when
- 5 you're there?
- 6 A. Often.
- 7 Q. Is that where you clock in when you're at the Marriott,
- 8 in that AV office?
- 9 A. For the times that I do clock in, yes. I do not always
- 10 clock in on the computer system.
- 11 Q. Okay. Because you just call in your time or email in
- 12 your time when you're done?
- 13 A. Yes.
- 14 Q. Okay. And are you supposed to clock in? Well, let me
- 15 withdraw that. Do you have the capability to clock in at
- 16 any PSAV location you go to?
- 17 A. I do not.
- 18 Q. Okay. And why is that?
- 19 A. If I know where the PSAV offices are in a given hotel
- 20 and I regularly have no idea, if I can find it, it's not
- 21 always available to us. Like the door is locked and I can't
- 22 get in.
- 23 Q. Okay. So in those circumstances you may not clock in,
- 24 you'll just report your time separately?
- 25 A. Yes.

1 Q. Okay. If there is -- if you know where the AV office is
2 and you can get in, then you clock in using the UltiPro
3 system; is that correct?

4 A. Generally, yes.

5 Q. Okay. Now, back to the Spelling Bee, or not the
6 Spelling Bee, I'm sorry. Have you done other events where
7 the truss was already laid out -- withdraw that.

8 You've had events where you walk into the room and the
9 truss was already built and laid out on the floor ready for
10 you to attach chain motors to it, right?

11 A. If I have, it's unusual. Typically, if we go in and do
12 what we refer to as a pre-rig, where we get all of the truss
13 and the motors prepared well before any production company
14 comes in, it is unusual that we have gone to the point of
15 building the truss and then not suspended it. The
16 production companies can't do anything with it until it's in
17 the air, like in mid-air.

18 Q. I'm sorry, sir. I think you -- I may have misspoke.
19 What I was asking is -- well, I'll ask it this way. Have
20 you ever had a show where when you arrived at work the truss
21 was already laid out on the floor and built? In other
22 words, put together. I know it's still on the ground.

23 A. Oh. It's happened a couple times but it's an unusual
24 situation.

25 Q. Okay. When you do put -- withdraw that. There have

1 been times where you personally have put truss together,
2 correct?

3 A. Yes.

4 Q. You were working as a truss builder?

5 A. I was.

6 Q. And other riggers also do that?

7 A. Yes.

8 Q. Okay. Referring to Union Exhibit 17.

9 A. The schedule?

10 Q. Yes, sir. Looking on Page 1 of Union Exhibit 17.

11 A. Okay.

12 Q. I want to understand a couple of terms.

13 A. Sure.

14 Q. Under Wednesday, October 3rd, it says, XAB Hall. What
15 is XAB?

16 A. So XAB is Exhibit Halls A and B. The exhibit hall is
17 divided into five sections.

18 Q. Okay. And looking at October 4, it says XAC and XEN.
19 Are those different parts of the exhibit hall?

20 A. Yes. XAC refers to Sections A, B, and C, and then D
21 presumably is not in use for anything that we're doing, and
22 then also E is all the way down by the river.

23 Q. Okay. And then if you look under October 7 at 5
24 o'clock, it says Mandarin PRE. What is that?

25 A. That is probably a Mandarin Oriental pre-hang.

- 1 Q. Okay. So it's a different hotel?
- 2 A. It is.
- 3 Q. Is that a PSAV event?
- 4 A. I don't know.
- 5 Q. It must be if it's on a schedule?
- 6 A. It's a PSAV property, the rig in. I don't know who the
- 7 event is.
- 8 Q. Okay. Just to clarify something, do you consider -- we
- 9 talked about the air wall hangers.
- 10 A. Um-hum.
- 11 Q. Do you consider the use of air wall hangers to be
- 12 rigging?
- 13 A. I do.
- 14 Q. Now, if you would flip the page, go two pages in on
- 15 Exhibit 17, so you're on the third page.
- 16 A. Okay.
- 17 Q. If I told you that Erick Mitchell was a technical
- 18 specialist, does that help refresh your recollection on who
- 19 Erick Mitchell is?
- 20 A. It does not.
- 21 Q. Okay. If I told you Darnell Smith was a technical
- 22 specialist and that still works for PSAV, does that help
- 23 refresh your recollection about Darnell Smith?
- 24 A. It does not.
- 25 Q. Do you know why Erick Mitchell or Darnell Smith are on

1 your schedule?

2 A. I do not.

3 Q. But you know they are not riggers?

4 A. I know that I have never worked with them in a rigging
5 capacity.

6 Q. Okay. Now, you said that regarding the schedules, you
7 can accept or deny any shift, right?

8 A. Any shift that is offered to me, yes.

9 Q. Well, you wouldn't accept or deny a shift that wasn't
10 offered to you, right?

11 A. I might try to. There's some jobs that I want to get on
12 that are not offered to me.

13 Q. Okay. But when you testified earlier about accepting or
14 denying a shift on the schedule, you're offered a shift, you
15 could say yes or no?

16 A. Correct.

17 Q. You could work for any of the 18 to 20 other employers
18 that you work for?

19 A. That's true.

20 Q. Is that -- is it your position that that's the same for
21 all riggers or just because you're classified as a part-time
22 rigger?

23 A. I've never heard of any other rigger have difficulty not
24 taking shifts.

25 Q. Okay. I didn't ask about difficulty. I asked whether a

1 full-time rigger has an obligation to accept a shift as
2 opposed to a part-time rigger, who has the ability to turn
3 down shifts?

4 A. I would say the only obligation of a full-time rigger
5 would be to keep their total number of hours up to maintain
6 their full-time position. So --

7 Q. Because if they don't hit a certain level, then they
8 could lose their benefits; is that right?

9 A. That's how I understand our benefits to work, yes.

10 Q. Okay. Now, you talked about setting temporary points in
11 the exhibit hall. Do you remember that?

12 A. Yes.

13 Q. Temporary points are two wires that come together to
14 create a new point to hang something from, right?

15 A. Yeah.

16 Q. Or two or multiple wire --

17 A. Yeah, we do call them bridles, but yes.

18 Q. In the exhibit hall that -- you saw a picture that Mike
19 Queally put up where he was in an area looking down, and it
20 showed some catwalks and some wires and some lights, and you
21 could see down to the ground. Do you remember that picture?

22 A. Yes.

23 Q. Okay. Would you agree that he doesn't go through a
24 ceiling -- he doesn't have to open up anything to get to
25 that point in the exhibit hall? In other words, the

1 bucket -- the articulated boom lift, is that what you called
2 it?

3 A. Articulated boom lift, yes.

4 Q. The articulated boom lift, the articulated boom lift, he
5 goes straight up. He doesn't have to take apart and go into
6 the ceiling itself?

7 A. Correct, and those points -- points that we are
8 attaching directly to are exposed to the world.

9 Q. Right. And those wires that you're connecting, those
10 bridles, those are actually connected to fixed points in the
11 exhibit hall?

12 A. They are.

13 Q. Have you ever been told that ETCP certification is a
14 requirement of being a rigger?

15 A. I have not.

16 Q. Do you know -- well, withdraw that. The meetings that
17 you talked about or the trainings that were identified in
18 the documents from Mr. Wallace regarding ETCP certification,
19 isn't it true that only roughly 60 percent of the riggers
20 showed up for this? Let me make it a little easier while
21 you're thinking.

22 A. Okay.

23 Q. Isn't it true that none of the Marriott Marquis riggers
24 showed up for that training?

25 A. I --

1 Q. If you know?

2 A. I am not sure. I think there was a Marriott Marquis
3 rigger present.

4 Q. Okay. Well, based on that testimony then you know
5 there's two that weren't, two or three. Excuse me. There's
6 four Marriott Marquis riggers.

7 A. Right.

8 Q. Okay. And as we sit here -- well, do you know how many
9 people were present? We know three of the four Marriott
10 Marquis people weren't there then, as best you can recall.
11 Are you saying every other Gaylord employee or every other
12 Gaylord rigger was present at that training?

13 A. No. I don't believe every rigger was present.

14 Q. Okay. You said you never attended the Orlando training
15 for riggers.

16 A. No, I have not.

17 Q. Okay. Do you know the Company offers rigging training
18 to technicians, if they don't want them to do rigging?

19 A. I --

20 MS. BICHER: Objection. How does he have knowledge of
21 this?

22 MR. WILLATS: I'm just asking if he knows.

23 HEARING OFFICER ANDELA: Do you know?

24 THE WITNESS: I have no idea.

25 Q. BY MR. WILLATS: Okay. Is there any business purpose

1 that you could think of?

2 MS. BICHER: Objection, speculation.

3 HEARING OFFICER ANDELA: Sustained.

4 Q. BY MR. WILLATS: Had to get it in before the hearing was
5 over. That's good.

6 HEARING OFFICER ANDELA: Might be the only one.

7 MR. WILLATS: Understood.

8 Q. BY MR. WILLATS: Okay. Do you ever use a scissor lift
9 at other properties?

10 A. I do.

11 Q. Okay. And typically if you're using a scissor lift,
12 what's that for?

13 A. So like at the Marquis in order to access the permanent
14 points in the ceiling, I need to get up to them, and I use a
15 scissor lift.

16 Q. Have you ever seen AV technicians use a scissor lift?

17 A. I have.

18 Q. Do you know if PSAV requires AV technicians to be
19 certified to use a scissor lift?

20 A. I think they do.

21 Q. So the same certification that you have for a scissor
22 lift, so does a PSAV technician, who is using one?

23 A. The same caliber of training. Mine was through a
24 different organization, so --

25 Q. Okay.

1 A. -- minimally different, but the same requirements are
2 there.

3 Q. Got it. Have you ever heard of the concept of a skip-
4 level meeting?

5 A. I have.

6 Q. Okay. Is a skip-level meeting when you meet with more
7 senior people or different classifications of managers at
8 PSAV, other than your immediate supervisor?

9 A. I believe so.

10 Q. And that's an opportunity for you to talk about terms
11 and conditions of employment, right?

12 A. I have never attended one, so I don't know.

13 Q. Oh, you don't know?

14 A. No.

15 Q. Okay. Do you know if technicians and riggers have
16 attended skip-level meetings together?

17 A. I don't know.

18 Q. Okay. When you were hired at the Gaylord as a rigger or
19 with PSAV as a rigger at the Gaylord, isn't it true that you
20 also interviewed with Carl Turner?

21 A. It is not.

22 Q. Do you know if Carl Turner had input in the decision
23 whether to hire you?

24 A. I have no idea.

25 Q. With regard to the air wall hanging, you said that you

1 demonstrated to Carl your proficiency in attaching an air
2 wall hanger?

3 A. No, sir. I demonstrated to Chad.

4 Q. I'm sorry, I got confused. You demonstrated that to
5 Chad?

6 A. I did.

7 Q. Do you know if the other riggers also did that?

8 A. I don't know.

9 Q. Would you agree that that wasn't a PSAV national
10 program, that was specific to Chad and the riggers who work
11 under Chad?

12 A. As far as I'm aware, yeah. That was specific to us.

13 Q. You're not aware of some national campaign that it
14 became a policy to demonstrate air wall hanging
15 certification?

16 A. Have not heard that, though it should.

17 Q. Okay. Do you know if riggers or excuse me, do you know
18 if technicians are trained in hanging an air wall hanger?

19 A. I have no idea.

20 Q. Do you know if chain motors are used at the Fairmont
21 Hotel?

22 A. I have no idea.

23 **(Employer's Exhibit 14 marked for identification.)**

24 Q. BY MR. WILLATS: I am handing you Employer's 14.

25 Looking at that black box in the right third of the picture,

1 it appears to be hanging from a ceiling. Do you agree?

2 A. Yeah. The picture is not super clear, but there's
3 nothing that says it's definitely not hanging from the
4 ceiling.

5 Q. Okay. First of all, do you recognize the room that this
6 is in?

7 A. Not from this image, no.

8 Q. Okay. Do you have any idea of like a best guess of what
9 this room is?

10 MS. SIMON: Objection, speculation.

11 Q. BY MR. WILLATS: Based on your experience at the
12 multiple properties that you worked in, do you have any
13 indication of what this room or what hotel this room may be
14 in?

15 A. Not based on this image, no.

16 Q. Okay. Does that look like a projector hung from the
17 ceiling?

18 A. It does.

19 Q. Does that look like a projector hung from the ceiling
20 using an air track?

21 A. Maybe. I can't say for certain. I mean, if you told me
22 that that was an air track, I see nothing to say, like
23 nothing to disagree with you about, but I -- if I had to
24 take a blind guess, yes, that's an air track.

25 Q. Okay. Thank you.

1 MR. WILLATS: Move for admission of 14.

2 HEARING OFFICER ANDELA: Okay, 14 is admitted.

3 **(Employer's Exhibit 14 received in evidence.)**

4 Q. BY MR. WILLATS: Now, you talked about the truss
5 bridges, right? Do you remember that?

6 A. I do.

7 Q. And are cables that -- withdraw that.

8 A truss bridge -- and we had a picture of it, but it's
9 typically used so that cables can run over an area where
10 people might otherwise walk?

11 A. It's often used for that, yes.

12 Q. Over a doorway typically, right?

13 A. Sure.

14 Q. What types of cables run over that truss bridge?

15 A. It would be production dependent, but lighting uses a
16 cable called Soco, which has to get to their dimmers, so
17 that is regularly on there. Various video control cables,
18 the flavors of which I'm not super familiar with. Audio
19 snakes. Basically cables that carry power and signal for
20 the various departments of a production, audio, lighting,
21 video.

22 Q. Wouldn't power to a distro unit have cables that could
23 run over a truss bridge?

24 A. It could. It's uncommon.

25 Q. A truss bridge could be used to hold cables that would

1 go to a distro unit, right?

2 A. It could be, yes.

3 Q. Okay. And then -- and it's your testimony that you've
4 never seen a rigger put together a truss bridge?

5 A. Yeah, I don't think I have.

6 Q. Okay. Do you deny that riggers put together a truss
7 bridge?

8 MS. SIMON: Objection.

9 MR. WILLATS: Well, can I finish? I'd like to know if
10 the witness denies that it's within the scope of duties of a
11 rigger or is it just not within your experience to have done
12 it.

13 MS. BICHER: He limited it to his experience. You're
14 asking the same thing again for the same answer.

15 MR. WILLATS: No, because he can have broader knowledge
16 than what he's actually done or what he's actually seen.

17 MS. BICHER: How could he have knowledge outside of his
18 own experience?

19 HEARING OFFICER ANDELA: Like a work policy? Are you
20 considering that part of his experience?

21 MR. WILLATS: Yes. It could have been anything. He's
22 been rigging forever. I mean --

23 HEARING OFFICER ANDELA: Do you have any reason to think
24 riggers may not --

25 THE WITNESS: I've been instructed by my supervisor to

1 not be involved in building ground-supported truss
2 structures.

3 Q. BY MR. WILLATS: What was the context of that event or
4 that communication? Is Chad your supervisor?

5 A. Yes.

6 Q. Okay. What did Chad tell you in this regard and when?

7 A. There was a discussion at some points in the last few
8 years about whether or not truss arches and things like that
9 fell within our purview, and I was told that it does not.

10 Q. He told you not to do it, or it's not within the scope
11 of a rigger's obligations?

12 A. I don't think he told me specifically. I believe it was
13 directed at all of the riggers.

14 Q. Okay. Where was this?

15 A. At the Gaylord. I couldn't put like a hard date or time
16 or moment on when that discussion happened.

17 Q. Okay, but that discussion -- apparently there was some
18 dispute about whether riggers like you should be putting
19 truss bridges together?

20 A. Yeah, I guess so.

21 Q. So at least prior to that discussion, would you say that
22 it was within the scope or it could have been within the
23 scope of --

24 MS. SIMON: Objection.

25 MR. WILLATS: All right, I'll go with --

1 MS. SIMON: Speculation.

2 Q. BY MR. WILLATS: No, because obviously there was a point
3 in time where the issue of your responsibility, a rigger's
4 responsibility about truss bridges came up, right?

5 A. Presumably.

6 Q. And you said it was 2 to 3 years ago?

7 A. It was early in my time with PS.

8 Q. Okay. With PSAV?

9 A. Yes.

10 Q. And so prior to that time it was within the scope or it
11 could have been within the scope of a rigger's
12 responsibility --

13 HEARING OFFICER ANDELA: How about prior to that, did
14 you have any reason to think riggers were not allowed to --

15 THE WITNESS: I would say that was not within our scope
16 of work, because it's not rigging.

17 Q. BY MR. WILLATS: But if it's not within your scope of
18 work, sir, why would Chad have to tell you that?

19 MS. SIMON: Objection, speculation. No idea why Chad
20 would have to tell him that.

21 Q. BY MR. WILLATS: Well, do you know why Chad would have
22 to tell you that if you didn't believe it was within the
23 scope of work?

24 A. I have no idea.

25 HEARING OFFICER ANDELA: Do you remember him saying

1 anything else other than thou shall not work on things?

2 THE WITNESS: Not specifically. The discussion revolved
3 mostly around how ground-supported truss structures were not
4 our responsibility.

5 Q. BY MR. WILLATS: Does that alleged limitation from Chad,
6 is it your understanding that that applied to the Gaylord
7 only?

8 A. I generally assume that anything Chad tells me as my
9 supervisor is applicable across any PSAV property that I
10 enter.

11 Q. Okay, we'll come back to that. Earlier in your
12 testimony you talked about that when you set and strike you
13 use shackles. Right?

14 A. Yes.

15 Q. Do AV technicians ever have a reason to use a shackle,
16 to your knowledge?

17 A. Yes.

18 Q. Is hanging a screen to a ground-supported truss
19 something that you would consider rigging?

20 A. No.

21 Q. Is hanging a banner to a fixed point something you would
22 consider rigging?

23 A. Yes.

24 Q. Okay. So if an individual goes up in a bucket or in
25 scissor lift and attaches a banner to a fixed point, that's

1 rigging, right?

2 A. Yes.

3 Q. If an individual hangs a banner from a sky hook, that's
4 rigging?

5 A. Yes.

6 Q. If an individual hangs a banner to an air wall track,
7 that's considered rigging?

8 A. I would, yes.

9 Q. All right. In Exhibit 14 I showed you this somewhat
10 cryptic picture of what I think we agreed is a video
11 projector hanging in the air.

12 A. Um-hum.

13 Q. Yes?

14 A. Yes.

15 Q. All right. That's also considered rigging, right?

16 MS. SIMON: Objection. I think he said he had no idea
17 what this was attached to.

18 HEARING OFFICER ANDELA: Do you want to --

19 MR. WILLATS: No. No, he didn't --

20 HEARING OFFICER ANDELA: -- make it contingent on if
21 it's hanging from an air track, is it rigging or --

22 Q. BY MR. WILLATS: Okay. If we assume that this picture
23 depicts a video projector hanging from an air track, would
24 you consider that rigging?

25 A. In that set of circumstances, yes, I would.

1 Q. Okay. What set of circumstances would that not be
2 rigging? What's depicted here?

3 A. So if this is a projector suspended from an air wall,
4 then yes, I would consider that rigging.

5 Q. Okay. And in your experience would it be suspended
6 either from an air wall, a sky hook, or a fixed point, or
7 maybe a temporary point?

8 A. It would be extremely unusual to suspend a projector
9 from a single fixed point.

10 Q. Okay.

11 A. I --

12 Q. Is a projector -- I'm sorry, go ahead.

13 A. Well, so --

14 Q. I'm just thinking maybe we could shortcut this.

15 A. Okay.

16 Q. How do you normally attach a projector in the air?

17 A. Most of the time it is attached to a truss.

18 Q. Okay. And if it's not attached to a truss, what's the
19 next greater frequency that it's attached to --

20 A. The only way that I've hung or put projectors in the air
21 for PS is by attaching them to truss.

22 Q. Okay. Have you seen projectors attached to air wall
23 tracks?

24 A. I don't think so, not before -- if that's what this
25 photograph is of --

1 Q. No, not my question. My question is have you ever seen
2 a projector attached to an air wall track?

3 A. I don't think I have.

4 Q. Okay. Have you ever seen a projector attached to a
5 piece of truss that's on the ground?

6 A. I have.

7 Q. Okay. So a projector attached to an air wall track or
8 if it's a truss, it's considered rigging, but a projector
9 attached to a 10-foot stick of truss on the ground is not
10 considered rigging?

11 A. That would be my opinion, yes.

12 Q. Okay. Do you know if PSAV considers rigging to be
13 anything in excess of a projector light or speakers six feet
14 or above?

15 A. I've discovered that fact over the course of this
16 hearing.

17 Q. Okay. But you didn't know that before?

18 A. No.

19 Q. Okay. Do you know how many properties that PSAV has in
20 D.C., Maryland and Northern Virginia that have fix points?

21 A. I don't know for certain, no.

22 MR. WILLATS: Five minutes?

23 **HEARING OFFICER ANDELA: Off the record.**

24 **(Off the record at 11:55 a.m.)**

25 **HEARING OFFICER ANDELA: Back on.**

1 Q. BY MR. SHANKMAN: Mr. Ruble, when you talked about the
2 ETCP certification training, isn't it true that the riggers
3 that you worked with at the Gaylord requested that the
4 Company support ETCP certification training?

5 A. I don't know.

6 MR. SHANKMAN: Nothing further.

7 HEARING OFFICER ANDELA: Ms. Simon.

8 **REDIRECT EXAMINATION**

9 Q. BY MS. SIMON: Mr. Ruble, in the circumstances where you
10 cannot digitally sign in with a time clock at a remote
11 property that you're working at, and you report time
12 separately, to whom do you report it?

13 A. I email Chad and Julia as a backup.

14 Q. Who's Julia?

15 A. Julia Racicot. She is another one of the full-timers
16 who often helps Chad not forget to do payroll.

17 Q. Another --

18 A. Yes.

19 Q. The cafeteria that you testified about on cross, where
20 you sometimes eat lunch, are those cafeterias open to the
21 public?

22 A. I don't think so.

23 Q. Are they open to all staff at the hotel and the
24 facilities where they are?

25 A. They are, and also law enforcement.

1 Q. Do you know how high the ceiling is in the exhibit hall
2 of the Gaylord?

3 A. Off the top of my head, no. I've got a notebook that
4 lives in my harness that has that information.

5 Q. Can you estimate?

6 MR. SHANKMAN: Objection. Calls for speculation.

7 HEARING OFFICER ANDELA: Can you estimate?

8 THE WITNESS: I mean to the high -- where the fixed
9 points are, like the highest part of the ceiling, 35 or 40
10 feet probably.

11 HEARING OFFICER ANDELA: And on what would you base
12 that?

13 THE WITNESS: So normally our rigs hover at about
14 25-ish, and there's 10 or 15 feet of space above them, ish.

15 MS. SIMON: I have nothing further.

16 MR. SHANKMAN: Nothing further.

17 HEARING OFFICER ANDELA: Just to follow up on the
18 cafeteria, so we talked about you sometimes share interior
19 space. Do you ever actually interact with AV techs much
20 socially or otherwise?

21 THE WITNESS: I may have. I don't really know the PSAV
22 techs very well. I only know a couple of them by name.
23 Like they're not a group that I've spent a lot of time with.

24 HEARING OFFICER ANDELA: And the rig shop is at the
25 Gaylord?

1 THE WITNESS: It is.

2 HEARING OFFICER ANDELA: Is there an AV shop at the
3 Gaylord?

4 THE WITNESS: So there's an operations office which took
5 me like a year and a half to find.

6 HEARING OFFICER ANDELA: That's the one you can't always
7 get in at certain facilities? Is that the same --

8 THE WITNESS: Presumably.

9 HEARING OFFICER ANDELA: Okay.

10 THE WITNESS: That said, at the time, it's one floor up
11 from the main entrance, almost like it's two floors above
12 our shop. So, yeah, they have one.

13 HEARING OFFICER ANDELA: Okay. Do you know what's in
14 there? Have you been in there?

15 THE WITNESS: I've been in there two or three times, and
16 there's some desks, and then there's some equipment in the
17 hallways up there, but I couldn't tell you what happens in
18 their office. It's mostly just desks.

19 HEARING OFFICER ANDELA: Okay. Anything else from
20 anybody?

21 MS. SIMON: Nothing further.

22 MR. SHANKMAN: No.

23 HEARING OFFICER ANDELA: All right. You may be excused,
24 Mr. Ruble.

25 THE WITNESS: What should I do with all the stuff --

1 HEARING OFFICER ANDELA: You can just leave it there.

2 THE WITNESS: Okay.

3 MS. SIMON: You can leave it right there. Thank you.

4 **(Witness excused.)**

5 HEARING OFFICER ANDELA: Next witness, or is that
6 presumptuous? Is there another witness?

7 MS. SIMON: There is.

8 HEARING OFFICER ANDELA: Okay.

9 MR. SHANKMAN: Can we take a break now so you can get
10 your stuff?

11 MR. YOUNG: Yeah.

12 MR. SHANKMAN: Mr. Young has to leave to catch a flight
13 home. So we're just going to leave for a moment. I'll get
14 his bag out of Mr. Wanamaker's car, and Mr. Wanamaker's
15 going to come back up, and then Mr. Young is going to go.

16 HEARING OFFICER ANDELA: Okay.

17 MR. SHANKMAN: So can we take 10 minutes?

18 **HEARING OFFICER ANDELA: Ten minutes, sure. Off the**
19 **record.**

20 **(Off the record from 12:07 p.m. to 12:15 p.m.)**

21 **HEARING OFFICER ANDELA: Back on.**

22 I'll just say before the Petitioner calls its next
23 witness, Employer's counsel met with Petitioner's counsel,
24 and Mr. Shankman, you can describe the stipulation.

25 MR. SHANKMAN: Yes. The parties have stipulated that

1 Employer's Exhibit 3 and Employer's Exhibit 4 cover
2 locations and hours of work for individuals listed on those
3 documents and that the period of time encompassed or that
4 covers this data is January 2017 through November of 2018.

5 HEARING OFFICER ANDELA: Counsel?

6 MS. SIMON: So stipulated.

7 HEARING OFFICER ANDELA: Okay. Thank you.

8 All right. So, Ms. Simon, you may call the next
9 witness.

10 MS. SIMON: Union calls Thomas Allen.

11 HEARING OFFICER ANDELA: Mr. Allen, if you could raise
12 your right hand for me.

13 (Whereupon,

14 **THOMAS F. ALLEN JR.**

15 was called as a witness by and on behalf of the Petitioner
16 and, after having been first duly sworn, was examined and
17 testified as follows:)

18 HEARING OFFICER ANDELA: Thank you.

19 **DIRECT EXAMINATION**

20 Q. BY MS. SIMON: Could you state your full name for the
21 record?

22 A. Thomas Franklin Allen, Jr.

23 Q. Who is your current employer?

24 A. PSAV for part-time rigging work and lights for a lot of
25 companies.

1 Q. And your current position with PSAV?

2 A. Part-time rigger.

3 Q. Have you held any other positions besides part-time
4 rigger during your employment with PSAV?

5 A. I have been a full-time rigger during my initial hire.

6 Q. And how long have you been employed by PSAV?

7 A. Since 2008.

8 Q. Since 2008?

9 A. Yes.

10 Q. Can you tell us a little bit about your prior and
11 current employment history in the trade outside of PSAV?

12 A. I have been lighting lead, head rigger, gaffer, grip,
13 props for HBO, BSL, just a ton of companies, since I want to
14 say 2001.

15 Q. Do you have a home property that you're associated with
16 at PSAV?

17 A. Yes, my home property is now the Marriott Marquis.

18 Q. And do you work at any other PSAV properties on
19 occasion?

20 A. Yes.

21 Q. Which properties are those?

22 A. I've worked at Trump. I believe I did a couple of
23 days -- Trump, JW Marriott, I want to call it the Hinckley.
24 I can't remember its actual official name. Grand Hyatt I
25 believe, Westfields Marriott, Tyson's Corner I believe I did

1 a couple of days there. So, yeah, wherever I was needed.

2 Q. And of the hours that you work for PSAV, how much of
3 your work would you say is at the Marriott Marquis?

4 A. The majority of it.

5 Q. The majority. Could you be any more specific? Is it
6 more like 50, more like 70, more like 90 percent?

7 A. 70 to 90. It's -- literally I prefer to go to the
8 Marquis rather than the ancillary properties.

9 Q. Okay. Yesterday you heard testimony regarding a lot --
10 the day before and today, regarding what PSAV calls rigging
11 work. We talked a lot about ground support or ground-
12 support rigging. What do you understand that to be?

13 A. From what they've been arguing, I understand it to be
14 truss arches or trusses that have been bolted to a 2 foot, 4
15 foot plate and stood up.

16 Q. On the ground?

17 A. On the ground.

18 Q. Based on your experience in the industry, is that
19 considered rigging?

20 A. No.

21 MR. SHANKMAN: Objection. Relevance.

22 HEARING OFFICER ANDELA: Overruled. Sorry.

23 MR. SHANKMAN: No, I was just going to say, what's
24 relevant is what rigging is at PSAV, not in a -- community
25 of interest is what is at PSAV. It's not some broader

1 industry activity as HBO or be it a -- or whatever else you
2 do.

3 HEARING OFFICER ANDELA: It's relevant.

4 MS. SIMON: It's relevant what --

5 HEARING OFFICER ANDELA: So overruled.

6 MS. SIMON: Thank you.

7 Q. BY MS. SIMON: I'll repeat the question.

8 A. Yeah.

9 Q. In your experience as a rigger at PSAV, have you ever
10 performed this work?

11 A. No.

12 Q. And in your experience at PSAV, have you ever observed
13 other PSAV riggers perform this work?

14 A. No.

15 Q. Do you know what job classifications at PSAV do perform
16 this work?

17 A. Ops. I'm not sure exactly what their job
18 classifications are, but I know they're not us.

19 Q. And ops has been used in this proceeding synonymously
20 with the AV technicians?

21 A. AV technicians, cart pushers.

22 Q. There's also been some testimony regarding something
23 described as a sky hook. Does the Marriott Marquis have sky
24 hooks?

25 A. No.

1 Q. And last but not least, there has been some testimony
2 regarding air walls and air wall hangers. Does the Marriott
3 Marquis have air walls and air wall hangers?

4 A. Yes.

5 Q. And do riggers install and remove air wall hangers?

6 A. Yes.

7 Q. And do any other job classifications at PSAV install or
8 remove air wall hangers?

9 A. Not that I've ever seen.

10 Q. In Mr. Ruble's testimony, a little bit earlier today,
11 there was some discussion regarding air wall hanger training
12 or certification that was required by PSAV at the Gaylord at
13 some point. Did you have occasion to hear about this at the
14 Marriott Marquis?

15 A. When we got our hangers, which are the Titan 750
16 variety, we were required to go through the paperwork that
17 came with them and demonstrate to Randy that we had
18 knowledge of how to use them safely and how to put them up
19 efficiently and keep them in good condition.

20 Q. And who is Randy?

21 A. Randy Whitcomb is the rigging coordinator at the
22 Marquis.

23 Q. Thank you. Who's your direct supervisor at the Marquis?

24 A. Randy Whitcomb.

25 Q. And do you know what his job title is?

- 1 A. Rigging coordinator.
- 2 Q. And who hired you to work for PSAV?
- 3 A. Initially or when I moved to the Marquis?
- 4 Q. When you moved to the -- both.
- 5 A. Erik, I'm failing to remember his last name. Erik --
- 6 Q. Do you know what his title is?
- 7 A. He is a rigging coordinator.
- 8 Q. There's two Erics. There's a Lundquist and Reuter.
- 9 A. Reuter. No, Lundquist, sorry.
- 10 Q. Okay.
- 11 A. Reuter worked for Templar (ph.) at the time. But, yeah,
- 12 Lundquist hired me at the Gaylord, and I went over and
- 13 decided to sign on with Randy at the Marquis.
- 14 Q. And when did that -- when did you sign on with Randy at
- 15 the Marquis?
- 16 A. Probably about a week after he started there.
- 17 Q. Do you recall approximately when that was?
- 18 A. I'm not sure off the top of my head. It's all turned
- 19 into one long gig.
- 20 Q. Okay. Can you describe the duties that Mr. Whitcomb
- 21 performs?
- 22 A. He does the CAD drawings for the rigging points. He
- 23 makes sure that we have the equipment we need, either by
- 24 pulling it from other venues and making requests for the
- 25 branch to send us gear that we need for like truss motors,

1 GacFlex wire rope, power cables, distros, and he also
2 coordinates several other properties, including the Trump
3 Hotel, the Grand Hyatt, and I'm not sure about the other
4 ones. I just know those two are generally under his
5 purview.

6 Q. How often do you interact with Mr. Whitcomb when you're
7 working for PSAV?

8 A. Several times a day when I'm there.

9 Q. And in what ways?

10 A. Generally, to check in with him and get the drawings for
11 the day, find out if there's any particular challenges we're
12 looking at with the room, find out if we know anything about
13 the client, what the client wants, and just generally
14 checking in during the day.

15 Q. In addition to Mr. Whitcomb, are you supervised by
16 anyone else?

17 A. Cate is a full-time rigger there, and she generally
18 takes responsibility for the cage and moving things around
19 in the room if Mr. Whitcomb is not available.

20 Q. What's the cage?

21 A. The cage is where we store our equipment. It's located
22 on M2 by the loading dock. It's where we keep the majority
23 of our truss motors, cable, GacFlex, air wall hangers, and
24 yeah, just basically everything we use for rigging.

25 Q. Is any non-rigger equipment stored in the cage?

1 A. There's a separate section where they store drape and
2 uprights and cross-rights.

3 Q. How are those sections separated?

4 A. There is a wall of trusses.

5 Q. Do you ever have contact with Patrick Wallace?

6 A. Yes.

7 Q. And in what context?

8 A. Sometimes Patrick will be on site. When we did the
9 capex for Trump, he was there. Occasionally --

10 Q. I'm sorry. The capex?

11 A. The capital expenditure for Trump where we received the
12 gear that goes into Trump riggings, restock. So when we got
13 the motor controls, the motor cables, the power cables, the
14 trusses, truss safeties, pretty much everything -- pretty
15 much their entire stock of rigging gear.

16 Q. Do I understand that to be -- capex, was that a big
17 rigging job that you were performing?

18 A. No, we were just -- we were literally just counting in
19 their gear, marking it, labeling it so we knew which
20 property it belonged to and getting it down to the storage
21 room.

22 HEARING OFFICER ANDELA: Was it because they were a new
23 client of PSAV?

24 THE WITNESS: Yes, because they were a new client of
25 PSAV. So, basically, it was establishing a stock of supply

1 there so that we would have it to use.

2 Q. BY MS. SIMON: Do you have contact with other
3 supervisors at the Marriott Marquis?

4 A. Not that I can name by name.

5 Q. There was a director. I think it was Sean Layton,
6 Lyden, Sean Lyden testified earlier in this proceeding. Are
7 you familiar with Mr. Lyden?

8 A. I recognized him from seeing him in the room. I haven't
9 had a lot of conversations with him.

10 Q. Do you receive your work schedule?

11 A. Generally, if it's something coming from the Gaylord or
12 Puppy needs some -- he'll generally text me a link to the
13 calendar.

14 Q. I'm sorry.

15 A. I'm sorry.

16 Q. Who's Puppy?

17 A. What's his real name?

18 Q. Is Puppy a nickname?

19 A. Yeah. Puppy's a nickname from way back. I actually am
20 not sure I know his proper name. Jason.

21 Q. Is that Jason Phillips?

22 A. Yeah, Jason Phillips. Will email or text with a link to
23 the calendar and be like, hey, there's some dates available
24 that I could use some help. It doesn't happen very often
25 because I don't like working at the Gaylord.

1 Q. What about schedules for the Marquis?

2 A. Marquis, Randy or Cate will text me. Cate will usually
3 text me if she needs a shift covered for herself, like she's
4 got a hole in her schedule that she needs somebody to cover
5 for her or Amanda, and I'll do that. Or Randy will reach
6 out and text me with like, hey, I've got these dates
7 available.

8 Q. Do you ever receive a schedule from anyone in addition
9 to Jason Phillips, Randy Whitcomb, or Cate Cohen I believe
10 it is.

11 A. Yeah, Cate Cohen. No.

12 Q. Are you familiar with -- and I'll ask you to take a look
13 at your stack, the one that's all by itself, Union Exhibit
14 17. All right. Are you familiar with this document?

15 A. I'm familiar with this document. This is the master
16 schedule at the Gaylord.

17 Q. Do you ever receive the schedule?

18 A. I have access to it through the links that Puppy sends
19 me. I generally don't use it because I don't -- it's mostly
20 Gaylord, and if they want me at the Marquis, they'll reach
21 out to me, and I'll occasionally check in if I've got a slow
22 week with Randy to see if he needs me.

23 Q. Before you started at PSAV in 2008, did you have prior
24 experience as a rigger?

25 A. Yes.

1 Q. How much?

2 A. I was a rigging supervisor for a company named Event
3 Tech. I was head flyman at Murphy Fine Arts Center on
4 Morgan State University's campus for 3 years.

5 Q. What's a flyman tech?

6 A. Head flyman. You manage the -- it's a theatrical
7 rigging portion. Goose referenced it. It's basically a
8 counterweight rigging system as well as supervising anything
9 that goes up on the grid that supports the counterweight
10 rigging system. So I would occasionally supervise the
11 installing of motors that were tied off to either the high
12 steel or pipes that were put on top of the grid.

13 Q. Any additional rigging experience before you started at
14 PSAV?

15 A. I used to build stages for a company called Washington
16 Stage, Light and Sound. I was a staging supervisor. Part
17 of our job there was to establish points on what we would
18 call pick bays. So we would build the pick bay, and then we
19 would lay I-beams on top and set points there.

20 Q. What's a pick bay?

21 A. A pick bay is something you use to -- say you've got a
22 large set of speakers, vertical speakers. What you do with
23 the pick bay is you establish a place where you can actually
24 pick the speakers up and bring them up to the level where
25 they angled front to the audience and they can actually hear

1 the concert.

2 Q. And would that be into the ceiling or the superstructure
3 of the building?

4 A. It would not in a building. It would be outdoors.

5 Q. Okay. Within the last few months, were you involved in
6 the -- at the Marriott Marquis in the load-in or setup of a
7 project for a large sales event or sales show?

8 A. Yes.

9 Q. Do you recall the name of that?

10 A. I don't off the top of my head. We've had it for
11 several years in a row though. I could check my calendar.

12 Q. And do you recall approximately what time of year this
13 was or when it was?

14 A. It would have been I want to say mid-summer, late
15 summer.

16 Q. So if you could, I'd like to ask you to kind of walk us
17 through the process of setting up for that show. So
18 starting with you arrive at the building, you first arrive
19 at the Marriott Marquis, you get out of your car and you
20 walk into the office.

21 A. Well, no, actually I walked into the cage.

22 Q. Okay. I beg your pardon.

23 A. I was running probably 5 minutes behind, and the office
24 is well away from the cage. So rather than do that, I was
25 immediately wanting to get into the room because I've got

1 other people counting on me to be there.

2 Q. Okay.

3 A. So we moved --

4 Q. Who's we? Who is we?

5 A. Cate Cohen, Eliza Walker, Amanda, Randy. I believe
6 Goose may have been there but --

7 HEARING OFFICER ANDELA: And who's Goose?

8 THE WITNESS: Chris Ruble.

9 HEARING OFFICER ANDELA: Chris Ruble. All right.

10 THE WITNESS: So -- sorry about that, guys. So
11 initially we needed to get our superstructure into the room.
12 So that required about 70 feet of 20-inch trusses to lay
13 across the far side of the ballroom. So we brought that in
14 and laid that out. We left --

15 Q. BY MS. SIMON: And that's the individuals that you
16 described?

17 A. Yeah, the rig team brought it in and laid it out. Eliza
18 stayed with it with some of the ops people, I think it was
19 ops people that day, and bolted it together, making sure
20 that it was tightened down. Then I believe Amanda went up
21 and set the points into the ceiling, clipped in the motors,
22 raised it and started laying points there.

23 Q. Can I just stop you for a moment? Amanda, if we look
24 back at Union Exhibit 17, on page 3 of the schedule, is that
25 Amanda Stover?

1 A. Yes. Yes, that's Amanda Stover.

2 Q. Okay. Thank you. And is she a PSAV rigger?

3 A. She is a PSAV rigger, a very good one.

4 Q. So Amanda.

5 A. Amanda set the points up into the ceiling, and Eliza I
6 think started to run the cables for the motors.

7 Q. Can you explain in a little more detail how the points
8 were set up in the ceiling?

9 A. You go up, you clip --

10 Q. You go up how?

11 A. You use the man lift, the elevated work platform,
12 scissor lift to go up, and usually we wind up having to use
13 a butter knife to open the hatches. So the hatches pop
14 open, yank it. With a little bit of -- sometimes you get
15 the hatch open, and you clip into the point that's hanging
16 there.

17 Q. How many riggers are involved in this process?

18 A. Well, only one rigger per point. But at any given time,
19 it could be any of us.

20 Q. And are there other riggers in the room at the same
21 time?

22 A. Usually. What we're doing at that point in time is
23 we're laying out trusses according to the map given to us,
24 the CAD drawing. We're dropping motors in place under the
25 points to make it easier for the rigger who is in the

1 scissor lift to get them up to the ceiling, because if it's
2 already there, they just drove over, come down or drop a
3 rope, somebody clips to the rope and sends it up to them.

4 Q. You said that -- I believe you said that there were ops
5 people in the room at the same time?

6 A. There were.

7 Q. And who are the ops people?

8 A. That day, I think we had two or three truss bolters.

9 Q. Were these PSAV employees, or were they employed by
10 another company?

11 A. They were PSAV employees, I believe. We might have had
12 one EMT guy.

13 Q. And were these riggers, or were they AV techs?

14 A. They're AV techs.

15 Q. Okay. And in addition to building trusses, what other
16 work were these people performing?

17 A. They were building trusses and pushing trusses sometimes
18 on carts.

19 Q. Were they setting points?

20 A. No.

21 Q. Were they hoisting chain motors?

22 A. No.

23 Q. Were they laying out the trusses in the proper --

24 A. With -- under direction of Eliza, yeah.

25 Q. I interrupted you.

1 A. What was the last thing we were --

2 Q. I think we were talking about Amanda was up in the lift.

3 A. Amanda was up in the lift, clipping in. I think Eliza
4 was running power. We got the first part of the
5 superstructure rigged and run it up to working height and --

6 Q. How is that done?

7 A. Eliza went over to the first motor controller, which is
8 an 8-way motor controller, grabbed the pendant for it, which
9 is basically a -- and motor controller, and ran it up to
10 about 3 to 4 feet.

11 Q. And could it have been other riggers in addition to
12 Eliza that was performing that work?

13 A. Again, it's usually one rigger per pendant. It would be
14 weird for us to hold and press with two people.

15 Q. Is there anyone in addition to -- are there any other
16 audio visual technicians performing this work?

17 A. No, that would be very -- we've had a very long policy
18 about that because there have been times when we first
19 started rigging at the Gaylord, where we would have someone
20 like a lighting lead or a video lead grab a pendant and move
21 trusses. We had people working on the truss at the time.
22 So immediately I'm watching another section of the room, and
23 I turn around and I see the lighting guy at the time, Scott
24 Long, holding the pendant, and I immediately yell at him to
25 put it down because I have people working on that truss.

1 If you move truss with weight on it, and somebody's arm
2 is over a railing and under the truss, they're going to
3 break an arm. He's not looking at that. He's not thinking
4 about that. He's not thinking about the rest of the grid.
5 He's not thinking about what motors he's moving. He doesn't
6 know what order they're laid out in. He doesn't know how
7 they're mapped on that controller.

8 So I went over, and I immediately told him to stop. I
9 hit the stop button on the controller power supply. I asked
10 him what he thought he was doing? I informed him that that
11 is not acceptable. You will not do that while we are
12 working. You will not do that while we are working on the
13 truss, and if I see it again, I'll have you removed from the
14 room.

15 Q. Thank you. So, Eliza, who is a PSAV rigger --

16 A. A PSAV rigger.

17 Q. -- is operating the control to --

18 A. Raise the truss up to the level where we can hang the
19 secondary points on it.

20 Q. And once that occurred, what happened next?

21 A. The set company, I believe it was Hargrove, I might be
22 wrong, came in and started building a truss superstructure
23 to hang a screen on.

24 Q. Okay.

25 A. So it was basically a large rectangle that would be

1 hanging below the 20 inch truss that would hold their screen
2 which would fill the back wall of the stage. So it was a
3 scenic element.

4 Q. And you said that the Company that was building that
5 was?

6 A. Hargrove.

7 Q. Hargrove.

8 A. Hargrove Production. I may be wrong, but I think it
9 was.

10 Q. Is that another operations company that was --

11 A. That is a scenic company and a carpentry company out of
12 Maryland. They do a lot of the political stuff and also
13 some of the larger corporate events.

14 Q. So after that structure was built, then what's the next
15 step in the process?

16 A. We raised it up to height and we raise -- also when
17 we're raising it up to trim height, we bring it up enough
18 that they actually -- because they're building basically a
19 20 foot structure. So they can't build it on the ground and
20 drag it up because it pulls the right our of plane. So we
21 have to raise it up and then lower in on those motors so
22 they can attach the legs.

23 Q. Okay. And is this the structure that is supporting the
24 screen?

25 A. That's the structure supporting the screen.

1 Q. Okay. And then after that?

2 A. They lay it in, we level it out so it lines up with the
3 back of the stage, and then we build out the structure of
4 the room.

5 Q. Was the screen and the truss that's being built that
6 you're handing, is that hanging from the ceiling?

7 A. No, that truss was handing from the 20-inch truss.

8 Q. That truss was hanging from other trusses?

9 A. Yes, we had to build a bridge truss to hold it.

10 Q. Okay. So is this multiple level of trusses that is
11 suspended from the ceiling?

12 A. Yes.

13 Q. Thank you for the clarification. Please continue.

14 A. We continued on the dockside of the room, the back
15 hallway side of the room. We built a long I want to say
16 90-foot cable run out of trusses to support all the lighting
17 cable and audio cable that was out in the room so they would
18 be able to get it back to control in the back of house and
19 also provide power.

20 Q. Okay. And then is that truss also suspended from the
21 ceiling?

22 A. That truss is also suspended from the ceiling.

23 Q. Okay.

24 A. And then once we get all the trusses that are hanging on
25 the front truss, the house truss, the audio points,

1 everything set where it's supposed to be, we wait while
2 everybody assembles their elements on it.

3 Q. And who is everyone assembles their elements?

4 A. Lighting, audio, video.

5 Q. Okay. And do you recall what companies were performing
6 this work?

7 A. I can't off the top of my head.

8 Q. Do you know if it was PSAV or --

9 A. It was not PSAV. I know that.

10 Q. So just backing up for a moment. Up until this point,
11 there are people now hanging their audio, visual, sound,
12 lighting, excuse me --

13 A. Lighting.

14 Q. -- equipment on the truss. Those are non-PSAV
15 employees?

16 A. Yes, those are non-PSAV employees.

17 Q. So up until this point, in the installation process,
18 other than bolting together some of the trusses, what duties
19 and responsibilities have the PSAV technicians had?

20 A. Safely rigging the equipment to the ceiling and also --

21 Q. The PSAV technicians?

22 A. Oh, the PSAV technicians.

23 Q. Yes.

24 A. They were pushing and bolting trusses.

25 Q. Did they have any other responsibilities during this

1 process?

2 A. I believe there was a roving tech available to them as a
3 concierge. So anything they needed, that they needed to
4 rent from PSAV, if they needed lights, if they needed audio,
5 they could go to him and request it.

6 Q. And by "they," you mean the companies that were
7 providing services?

8 A. The companies that were there, yeah.

9 Q. I'm sorry. I interrupted you. You were talking about
10 company's putting their audio, visual, and lighting
11 equipment on the truss.

12 A. Yes. When each truss is done and the cables are secured
13 to the truss and we go along and inspect it and make sure
14 all the safeties are on correctly, make sure that
15 everything's ready to go up to height above people's head,
16 we run it up to trim height, check the trim height to make
17 sure -- certain it's where they want it to be, level it out,
18 motor by motor, basically checking that. And then one of us
19 will jump in one off the lifts and start doing the cable
20 pack.

21 Q. Can you describe that process?

22 A. We either find a rigging point in the ceiling that's
23 along a line to lead it over to the cable bridge that we've
24 built, or we set air wall hangers and run them along the air
25 wall hangers at 10-foot intervals.

1 Q. And when you say "one of us"?

2 A. Riggers.

3 Q. And then what happens then?

4 A. Then once we're done loading everything on the cable
5 bridge, we usually go along, make sure all the cables are
6 safely tied on and run the cable bridge up. If the cable
7 bridge -- actually, I think this one, the cable bridge was
8 one of the front-of-the-house structures. So we had to add
9 a service loop to it of about 25 feet.

10 Q. What is a service loop?

11 A. A service loop is allowing one structure or truss to
12 move while another one stays on the ground while they finish
13 work on it. So --

14 Q. What does the service loop connect to? Do they connect
15 to the motors?

16 A. It usually -- usually we add -- if we're running the
17 motors off hung, we'll add a service loop to the motor
18 controls so it can move, but most of the time we just leave
19 our motors hanging off the back because we can just tie them
20 up in one location and have it available, especially if
21 there's going to be no tables under that location because
22 the first thing we do when we get in a room is we want to be
23 able to get those motors moving down so that they can get
24 their equipment off so they can go home and so we can go
25 home.

1 Q. And you're talking about after the production is over?

2 A. Yeah.

3 Q. And you are --

4 A. When it's time to leave.

5 Q. Okay.

6 A. So -- yeah, I believe we had a 25-foot service loop on
7 this, and we had -- I think we had 30 Socos on that thing,
8 and we had to --

9 Q. What are the Socos?

10 A. They're 19 pin 2000 -- I want to say 2000-watt power
11 cables for lighting or audio. They just distribute power
12 fairly well over long distances. And -- yeah, we had to
13 coil them up on the end of the truss to make sure that, you
14 know, they sat neatly in place.

15 Q. And then after the equipment that you were using is
16 coiled up and were put --

17 A. After we were trim, after all the service loops were
18 coiled up, after all our cable bridge -- our cables were
19 coiled up on the trusses, accessible, we power down our
20 distros and store them usually in the back of the room out
21 of the way and leave.

22 Q. Mr. Allen, do you know if you had to sign off with
23 anyone when the rigging was done?

24 A. I believe Cate had the paperwork that day.

25 Q. Okay. And what would she have done?

1 A. She would have found the client, had the client sign off
2 that they were satisfied with the rigging work that we done,
3 made sure that they understood what had been done and when
4 we were supposed to be back, checked in with them to make
5 sure that that time was accurate, make sure they had Randy's
6 contact information if any changes needed to be made, and
7 then got their signature and left the room.

8 Q. And when would the riggers next have to come back to,
9 assuming no problems or unusual circumstances, when would
10 the riggers have to come back and do some more work?

11 A. For load-out.

12 Q. For load-out?

13 A. Yes.

14 Q. When the event is over?

15 A. When the event is over.

16 Q. What's your wage rate?

17 A. My wage rate is 34.50.

18 Q. Have you ever taken a shift as an audio visual
19 technician for PSAV?

20 A. Not directly.

21 Q. Okay.

22 A. I've worked through subcontractors as a lighting lead
23 for PSAV.

24 Q. Okay. And was PSAV your employer at that point or
25 was --

1 A. No, I was self-employed.

2 Q. Okay. So as PSAV employee, have you ever taken a shift
3 as an AV technician?

4 A. No.

5 Q. Do AV technicians ever take shifts as riggers?

6 A. No.

7 Q. Are you aware of any times when a rigger has decided
8 that he will permanently or she will permanently become an
9 AV technician?

10 A. Why would you want to do that?

11 HEARING OFFICER ANDELA: So, no.

12 THE WITNESS: No.

13 Q. BY MS. SIMON: And then vice versa, are you aware of any
14 permanent AV technicians who have become permanently PSAV
15 riggers?

16 A. Not without having rigging skills available to them
17 beforehand.

18 Q. And do you know any people who -- can you identify any
19 individuals who have transitioned from AV technicians at
20 PSAV to riggers at PSAV?

21 A. Apparently, Matt and Mike have.

22 Q. Did you learn that during this hearing?

23 A. I knew Mike had been with PSAV for a while, but I've
24 only ever known them as a rigger, and --

25 Q. Mike Queally?

1 A. Yeah, Mike Queally. And Matt, I understood, I learned
2 through this hearing that that's --

3 Q. Are you aware of any other individuals who permanently
4 become riggers?

5 A. Not that I know of. Oh, I guess Kurt Kreuz, but I
6 always thought of Kurt as a rigger since I met him 20 years
7 ago at Atmosphere, and he was the rigger there.

8 Q. Thank you, Mr. Allen.

9 MS. SIMON: I have nothing further.

10 HEARING OFFICER ANDELA: Mr. Shankman.

11 **CROSS-EXAMINATION**

12 Q. BY MR. SHANKMAN: You said you worked for PSAV as a
13 lighting lead when you were self-employed?

14 A. I came in through EMT.

15 Q. What's EMT?

16 A. Event Management -- it's over-hire company in the PSAV.

17 Q. A third-party labor broker.

18 A. Yeah.

19 Q. When was that?

20 A. I can check my schedule but --

21 Q. Ballpark.

22 A. About a year ago, year and a half maybe.

23 Q. Okay. Now, Employer's Exhibit 3 -- it's going to be
24 faster, if I show it to you.

25 A. Yeah.

1 Q. You're right on the top of the list. You see where it
2 says that you worked 403 hours and change over a 2-year
3 period?

4 A. Sure.

5 Q. Okay. Does that sound right to you?

6 A. That sounds about right.

7 Q. Okay. And then does it look right that you spent 321
8 hours, obviously that's an exact number, but is that
9 consistent with your recollection of how much time you spent
10 at the Marriott Marquis?

11 A. Right. I wasn't keeping a count, so --

12 Q. Well, no. I understand that. I'm not suggesting that
13 you did, but earlier you said you spent about -- I think
14 it's consistent, you said about 75, 80 percent.

15 A. Yeah.

16 Q. You may have said 90 percent. I'm not quibbling about
17 that.

18 A. Between 70 and 90.

19 Q. Okay. That's consistent with your recollection about
20 those hours?

21 A. Yeah, that's --

22 Q. I assumed you worked more than 400 and -- or 200 hours
23 on average a year.

24 A. Yes.

25 Q. Okay. Where else are you working?

1 A. Well, recently or --

2 Q. Over the last 2 years.

3 A. The last 2 years I've been over on *House of Cards* for

4 MRC. I've done some --

5 Q. *House of Cards*, the Netflix show?

6 A. Yeah.

7 Q. Okay.

8 A. I've done some HBO work up in New York for *Crashing*.

9 I've done -- just recently I did a Warner Brothers project.

10 Let's see. I have --

11 Q. I'm sorry. Let me stop you there. Do you do lighting

12 work for those guys, for those other shows, or rigging or

13 both?

14 A. Yes, lighting and rigging.

15 Q. Okay. All right. Have you had -- have you participated

16 in skip-level meetings?

17 A. I did participate in the skip-level meeting.

18 Q. Okay. Isn't it true that a skip-level meeting that you

19 participated at PSAV included both techs and riggers in the

20 same room?

21 A. Yes, it also included techs and riggers from multiple

22 different hotels. It was --

23 Q. But all PSAV employees?

24 A. Yes, I believe they were all PSAV employees. I couldn't

25 identify them all.

1 Q. I understand that. I wouldn't expect you to. All
2 right. You talked about something that I was confused
3 about. I want to clarify it. You talked about that outdoor
4 stage.

5 A. Yeah.

6 Q. Right. And do you remember what that event was?

7 A. You're going to have to be way more specific. I was
8 there for 2 years.

9 Q. There -- where?

10 A. Working for Washington Stage, Light and Sound and also
11 Event Tech.

12 Q. Okay. And I assume then you participated in multiple
13 outdoor stage construction?

14 A. Yes.

15 Q. Okay. The part I'm interested in is you talked about
16 two pieces of truss going up and then you talked about --

17 A. They're not two pieces of truss.

18 Q. Okay. What are they?

19 A. They're scaffold steel. So basically you erect a
20 structure, the kind that you would put on the outside of a
21 building when you're reinforcing a building.

22 Q. Okay. So two pieces of steel go up, scaffold steel.

23 A. Galvanized, yeah.

24 Q. Galvanized steel, whatever. Do you put that --

25 MS. SIMON: I'm going to object.

1 MR. SHANKMAN: To "whatever"? Okay. I'm sorry.

2 Withdrawn.

3 HEARING OFFICER ANDELA: What's the objection to the
4 question?

5 MS. SIMON: I'm going to object to the line of
6 questioning, work that he did perform for PSAV, that he said
7 that he performed ever for PSAV, not relevant.

8 MR. SHANKMAN: I'm getting -- well, he brought it up in
9 direct examination. So counsel opened the door.

10 HEARING OFFICER ANDELA: You can go a little farther.

11 MR. SHANKMAN: You'll see what I'm getting to.

12 Q. BY MR. SHANKMAN: When you constructed that steel,
13 actually did you do that, or did someone else put the steel
14 up?

15 A. We have generally climbing crews that put the steel up.

16 Q. Okay. And then you described a bar between the two
17 posts.

18 A. An I-beam.

19 Q. A high beam?

20 A. I-beam.

21 Q. I-beam. And are lighting or video or speakers or audio
22 equipment attached to that I-beam?

23 A. No, motors are.

24 Q. Okay. And then the motors are used to bring the
25 equipment up to the I-beam?

1 A. Motors are used to bring the equipment up to below the
2 I-beam.

3 Q. Okay. So just below the I-beam. So the motors attach
4 the equipment to the I-beam; is that correct?

5 A. The motors attach the equipment to the I-beam. The
6 I-beam attaches the equipment to the ground.

7 Q. Okay. So that entire structure that you've just
8 described is ground supported, right?

9 A. It is, much like a building.

10 Q. So you equate building that stage to building like a
11 building, like the kind of building we're in?

12 A. It's literally exactly the same physical stuff that's
13 holding this building up now.

14 Q. Gravity?

15 A. Yes.

16 MS. SIMON: Objection.

17 THE WITNESS: Gravity and weight.

18 MS. SIMON: At this point we're just getting --

19 MR. SHANKMAN: I'm done with the line of questioning.

20 HEARING OFFICER ANDELA: That's good.

21 Q. BY MR. SHANKMAN: You referred to Cate, Eliza, and
22 Randy. Those are the three riggers in addition to you at --
23 not Randy. I'm sorry.

24 A. Randy's the coordinator.

25 Q. Amanda.

- 1 A. Yes.
- 2 Q. So Cate, Eliza, and Amanda.
- 3 A. Yes.
- 4 Q. Okay. How often do you work with them?
- 5 A. Pretty much every time I'm at the Marquis.
- 6 Q. Okay. Which is 321 hours over the last 2 years?
- 7 A. Yeah.
- 8 Q. All right. Do you know if they're there now?
- 9 A. I don't.
- 10 Q. Okay. Did you work with them yesterday?
- 11 A. I did not.
- 12 Q. You were here yesterday, right?
- 13 A. I was.
- 14 Q. Was Amanda here yesterday?
- 15 A. No.
- 16 Q. Who was the woman in the blue sweater that was here
- 17 yesterday? Do you know her?
- 18 A. Eliza.
- 19 Q. Oh, was that Eliza?
- 20 A. Yeah.
- 21 Q. Okay. So Eliza was here yesterday?
- 22 A. Yes.
- 23 Q. Okay. You mentioned that you had an incident with Scott
- 24 Long. Do you remember that testimony?
- 25 A. Yeah.

1 Q. Okay. Isn't it true that Scott Long hasn't worked for
2 the Company since 2010?

3 A. Yes.

4 Q. Okay. So the incident you were referring to --

5 A. Was around 2008, 2009.

6 Q. Okay. Earlier I thought you said it was around 3 years
7 ago.

8 A. No, it was more than 3 years ago.

9 Q. Okay.

10 A. It was when I first started. I was still homed at the
11 Gaylord.

12 Q. And when you first started working for the Company,
13 weren't you hired in as an event tech specialist?

14 A. No, I was hired as a rigger because it wouldn't have
15 made sense because the points of that building failed. So
16 for the first couple of months, we were building points in
17 the ceiling out of wire rope --

18 Q. Okay.

19 A. -- and shackles.

20 Q. Did you start working for the Company in 2008?

21 A. Yes.

22 Q. Okay. So if the business records of the Company say you
23 were hired as an event tech specialist, that's wrong?

24 MS. SIMON: Objection. This is not in evidence.

25 MR. SHANKMAN: I'm just asking him.

1 HEARING OFFICER ANDELA: He testified that he was hired
2 as a rigger.

3 MS. BICHNER: He has no access to the business records.

4 HEARING OFFICER ANDELA: He hasn't seen --

5 MR. SHANKMAN: All right. How many lawyers are
6 involved? Both. One. Just one.

7 MS. SIMON: Anyone.

8 HEARING OFFICER ANDELA: How many --

9 MR. SHANKMAN: Anyone? You guys trade. Tag team.

10 HEARING OFFICER ANDELA: He hasn't seen the record.

11 MR. SHANKMAN: That's fine. That's fine. I'll move on.
12 I could show him.

13 Q. BY MR. SHANKMAN: Why were you terminated from the
14 Company in 2009?

15 A. 2009?

16 Q. Yes, sir.

17 A. I left.

18 Q. Okay. Well, isn't it true there was an incident at the
19 Company where you were not permitted to work there anymore?

20 A. No.

21 Q. Okay.

22 A. Not that I know of.

23 Q. You said in your direct examination that AV technicians
24 have laid trusses at the Marriott Marquis, right? Yes?

25 A. Yes, under the direction of a rigger.

1 Q. Of a rigger. And I think you said that rigger was
2 Eliza?

3 A. I have seen them do it for Eliza. I have seen them do
4 it for Cate.

5 Q. So both Eliza and Cate have directed --

6 A. And Amanda actually.

7 Q. So all three of them have directed technicians in where
8 to lay out trusses on the floor?

9 A. Yes.

10 Q. And did those same technicians put the truss together?

11 A. They have bolted it together. We have to go behind them
12 and check the bolts.

13 Q. Okay. So they bolt -- the AV tech bolts it together,
14 and the rigger inspects the bolts behind them?

15 A. Has to.

16 Q. Has to.

17 A. Yes.

18 Q. Okay. In your experience, do riggers ever put trusses
19 together?

20 A. Yes.

21 Q. You talked about -- and you corrected your lawyer. Fly
22 something. You were a flyman; is that correct?

23 A. Yes.

24 Q. You were a lead flyman?

25 A. Yes.

- 1 Q. Okay. And that's for theatrical rigging?
- 2 A. Yes.
- 3 Q. Does PSAV do theatrical rigging?
- 4 A. Yes.
- 5 Q. Okay. How often?
- 6 A. Whenever there's something on stage at the Gaylord.
- 7 Q. Okay. And do you do the flyman rigging for PSAV when
- 8 there's something at the Gaylord?
- 9 A. No, I left that property.
- 10 Q. How come you don't -- you said you don't like working at
- 11 the Gaylord.
- 12 A. Yes.
- 13 Q. Why is that?
- 14 A. They didn't pay me.
- 15 Q. Gaylord didn't pay you?
- 16 A. PSAV didn't pay me.
- 17 Q. Okay.
- 18 A. We were having difficulty getting paid for months at a
- 19 time.
- 20 Q. Okay. Did you ever get it worked out?
- 21 A. Eventually.
- 22 Q. And do you blame that non-payment at the Gaylord on an
- 23 individual at the Gaylord, or do you think that was the
- 24 responsibility of the Gaylord?
- 25 A. I just don't like being in the building because it

1 relates to a lot of really hard times for me.

2 Q. Okay. You talk about Randy's desk at the Marriott
3 Marquis, right?

4 A. Yes.

5 Q. The rigging coordinator.

6 A. Yes.

7 Q. Okay. Is Sean's desk next to Randy's?

8 A. I don't think so. I'm not sure.

9 Q. Do you know?

10 A. I really don't. I don't know who has the desk next to
11 Randy's.

12 Q. Is there a desk next to Randy's desk?

13 A. There's several desks next to Randy's desk. He's moved
14 out of the corner now. He's in the center of the room.

15 Q. Isn't it true Randy's desk is in the PSAV office at the
16 Marriott Marquis?

17 A. It's in one of the PSAV offices.

18 Q. Okay. What other PSAV offices are there?

19 A. I understand there's one upstairs on the mezzanine.

20 Q. Okay. Do you know who occupies that office?

21 A. I have no idea.

22 Q. Other sales managers?

23 A. I guess.

24 Q. If I could finish. Other sales managers at the Marriott
25 Marquis?

- 1 A. Yes, I assume so.
- 2 Q. Okay. Are they in that office?
- 3 A. I don't know.
- 4 Q. Have you ever been in that office?
- 5 A. No.
- 6 Q. Do you consider air wall hanging to be rigging work?
- 7 A. Yes.
- 8 Q. And I think you talked about truss being stored at the
- 9 Marriott Marquis?
- 10 A. Yes.
- 11 Q. Isn't it also true that lighting equipment is also
- 12 stored in the same room?
- 13 A. No.
- 14 Q. Is there any AV equipment stored in that room?
- 15 A. Not that I know of. If it is, it's stored in short term
- 16 or someone was too lazy to take it where it was supposed to
- 17 go. It gets put out there when it's being shipped to
- 18 another property because its access to the dock is fairly
- 19 close, and it's a good secure place to put it, but other
- 20 than that, for use in the building, it's not stored there at
- 21 all. In fact, we request specifically that they do not do
- 22 that because the cage is already very full with rigging
- 23 equipment.
- 24 Q. Do you know if truss or AV equipment is stored in other
- 25 properties outside the Marriott Marquis and the Gaylord?

1 A. It would depend on the specific property, but yes, I do
2 know how some of them are stored because I've had to go
3 retrieve them.

4 Q. Have you been in any properties where truss and AV
5 equipment are stored in the same room?

6 A. Yes. It wasn't the neatest system.

7 Q. I didn't ask that.

8 A. But they also don't have riggers assigned to it. So
9 it's just going to wind up how it winds up.

10 Q. So meaning riggers not assigned to work with that truss?

11 A. Riggers not assigned to work for that property. So
12 there's no way that they're going to try and maintain their
13 equipment the way that a rigger would.

14 Q. So -- but you've seen chain hoist motors then in
15 properties that are stored in the same place where lighting
16 equipment is stored, for example?

17 A. I've seen chain hoist motors stored in a pile on the
18 ground in properties like that. They don't belong that way.
19 They belong in boxes secured, where they don't get dirty,
20 where it doesn't foul the mechanisms.

21 MR. SHANKMAN: Okay. Nothing else.

22 HEARING OFFICER ANDELA: Ms. Simon?

23 MS. SIMON: No further questions. Thank you.

24 HEARING OFFICER ANDELA: You can be excused.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 HEARING OFFICER ANDELA: Any additional witnesses?

3 MS. SIMON: I think we have one very short additional
4 witness. Can I take 2 minutes to confirm that?

5 HEARING OFFICER ANDELA: Sure. Off the record.

6 (Off the record from 1:04 p.m. to 1:17 p.m.)

7 HEARING OFFICER ANDELA: On the record.

8 Petitioner, have another witness?

9 MS. BICHER: The Petitioner would like to call Mike
10 Jones to the stand.

11 MR. SHANKMAN: Mike Jones -- Matt Jones.

12 MS. BICHER: Matt Jones. I'm sorry. It's been a long
13 3 days.

14 HEARING OFFICER ANDELA: Mr. Jones, could you raise your
15 right hand?

16 (Whereupon,

17 MATT JONES

18 was called as a witness by and on behalf of the Petitioner
19 and, after having been first duly sworn, was examined and
20 testified as follows:)

21 HEARING OFFICER ANDELA: Thank you. Ms. Bichner.

22 DIRECT EXAMINATION

23 Q. BY MS. BICHER: Hi, Matt. Sorry for calling you by the
24 wrong name.

25 A. No worries.

1 Q. By whom are you currently employed?

2 A. PSAV.

3 Q. And how long have you worked for PSAV?

4 A. Around 5 to 6 years.

5 Q. And what's your current title with PSAV?

6 A. A rigger at the Gaylord.

7 Q. Are you full time or part time?

8 A. Full time.

9 Q. And prior to being a rigger, a full-time rigger with
10 PSAV, have you held any other positions with the Company?

11 A. Yeah, two.

12 Q. Okay. And what were those two?

13 A. So when I was hired onto the Company, I was an AV tech
14 out of the branch in Lanham, just filling gaps wherever they
15 were needed in both Baltimore and D.C. And then after that,
16 about a year of that, I was hired on full time at the
17 Marriott Waterfront in Baltimore as an AV tech.

18 Q. Thank you. You answered my next question. So can you
19 just briefly describe what your main duties were when you
20 were an AV tech both in the branch office and also in
21 Baltimore?

22 A. So a lot of it was smaller hotels, right, and so a lot
23 of what I did was the smaller rooms, about this size,
24 projectors, screens, you know, little stuff in little rooms,
25 taping cables to the ground, running power, running any

1 cable that needed to be run.

2 Q. And about how much would you say those tasks encompassed
3 your time, if you could break down a rough percentage?

4 A. One hundred percent. That was my whole gig for a while.

5 Q. And were you ever touching motor chains or fixed points
6 at that time?

7 A. No.

8 Q. Why was that?

9 A. Most of the hotels I was at didn't have it, and the ones
10 that did, whenever there was a rig -- they had like two
11 bigger ballrooms. Whenever there was a rig in those rooms,
12 we would get riggers up from the Gaylord to help.

13 Q. And when you were an AV tech, what was your schedule
14 like?

15 A. I was pretty consistently there for a good 2 years
16 straight, 3 p.m. to 11 p.m.

17 Q. And was that the branch office or Baltimore?

18 A. Sorry. Yeah, that was once I was at Baltimore. Branch
19 was all over the place just because it was, hey, we need
20 help here. Hey, we need help here whatever time. But,
21 yeah, once it was Baltimore, it was pretty much 3 to 11.

22 Q. And what was your wage rate as an AV technician?

23 A. When I started out of the branch, I was at something
24 right around 13, and by the end of my time at the
25 Waterfront, I was somewhere around I want to say maybe 16 or

1 17, something like that.

2 Q. Was that the most you ever made as an AV tech?

3 A. Um-hum.

4 MS. SIMON: Is that yes?

5 THE WITNESS: Yes, sorry.

6 MS. SIMON: Thank you.

7 Q. BY MS. BICHNER: And who supervised you when you were an
8 AV tech at the branch office?

9 A. It was a gentleman named Michael Coates. I don't know
10 if he's still at the Company, but he was basically in charge
11 of a pool of techs, that properties would call him and he
12 would send out, you know, whoever lived closer, who was
13 available, stuff like that.

14 Q. And who was your supervisor in Baltimore?

15 A. Scott Takemoto. He's still the director up there.

16 HEARING OFFICER ANDELA: Could you spell that last name?

17 THE WITNESS: T-a-k-e-m-o-t-o.

18 HEARING OFFICER ANDELA: Thank you.

19 Q. BY MS. BICHNER: And what was your dress code like in
20 Baltimore when you were an AV tech?

21 A. We were issued -- at first it was black button-down
22 shirts with the PSAV logo and dress pants, and they called
23 it polishable shoes but basically dress shoes; no sneakers
24 or boots or anything like that.

25 Q. And it's my understanding from your testimony today, at

1 some point you moved within the Company from being an AV
2 tech to a rigger. What did you have to do to make that
3 move?

4 A. So somewhere about 5 years ago, I went to that Orlando
5 training and came back and expressed my interest to Scott
6 Takemoto that that's what I wanted to get into, and so he
7 would schedule me whenever there was rigging in the building
8 to be with those two or three riggers in those bigger rooms
9 and basically work with them and watch what was happening.

10 Q. So it's my understanding from PSAV's policies that after
11 that 3-day training in Orlando, there's a need for 250 hours
12 of on-the-job training.

13 A. Um-hum.

14 Q. Is that what you were referencing when you were talking
15 about being that extra person?

16 A. Yeah, yeah. Yeah, it was about a year to a year and a
17 half that I did that on top of my normal AV duties.

18 Q. And when you were working with those riggers, what were
19 you doing?

20 A. It was anywhere between watching what they did and
21 asking questions to doing something and having them critique
22 or show me what, you know, either adjusting or saying, yeah,
23 that's correct and here's why. Hands-on training, if you
24 will.

25 Q. And during that year and a half period that you just

1 referenced --

2 A. Um-hum.

3 Q. -- before you became a rigger, when you were engaging in
4 this on-the-job training, did you only have training for
5 PSAV?

6 A. I had a little bit of Local 19. They're a union up in
7 Baltimore. I worked with them a little bit on their, I
8 think they called it overflow list or basically their over-
9 hire when they needed extra help, and I did ground rigging
10 at the Royal Farms Arena.

11 Q. When you say ground rigging, what do you mean by that?

12 A. So at the beginning of the day, you know, someone comes
13 out and puts chalk marks on the floor where the points are
14 coming in and what's going to happen there, and I was the
15 guy that pushed the motor box where that goes. Someone
16 would send a rope in. I would tie the knot, clip it in, and
17 they would pull it up, and then once everything's, you know,
18 then we'd attach to the truss.

19 Q. Did you ever do that type of work -- I know that wasn't
20 at PSAV --

21 A. Um-hum.

22 Q. -- but did you ever do work similar to that as an AV
23 tech as PSAV?

24 A. Only during those 250-hour learning things, you know.

25 Q. When you were training to be a rigger?

1 A. Yeah.

2 Q. Okay. Now, I want to go into what are your duties now
3 as a rigger just briefly?

4 A. Pretty much anything that has to be suspended at the
5 Gaylord or that happens on the stage in the XHall. We don't
6 really work in it. Like when I was saying those smaller
7 rooms at the Waterfront, there's some others at the Gaylord
8 that I couldn't point to them if you were lost in the
9 building because we just don't go in there. But yet
10 anything that's floating, trusses, motors, that kind of
11 stuff.

12 Q. So how different is your work now from the work when you
13 were an AV tech?

14 A. Way different. Schedule's way different. Work's way
15 different.

16 Q. And when you say the schedule's way different, how is it
17 different?

18 A. It went from, like I said earlier, it was 3 to 11 almost
19 always, and now it's whenever there's a show, you know,
20 whether it's overnight, early in the morning, afternoon,
21 whatever, we have to be there for that show to load in or
22 out or whatever's happening.

23 Q. And when you say 3 to 11, you're referring to a shift?

24 A. Yeah, yeah, 3 p.m. to 11 p.m.

25 Q. And what are some of the lengths of time of your shifts

1 as a rigger?

2 A. Anywhere between 20 minutes and 20 hours.

3 Q. Do you get a 4-hour minimum as a rigger?

4 A. Yes.

5 Q. Do you get a 4-hour minimum as an AV tech?

6 A. I never really ran into that to be honest, just because
7 it was that shift work. So we, you know, I was there from 3
8 to -- now and again, you know, I kind of dipped out because
9 I'm not going to sit around until 11 p.m. if nothing's
10 happening, but usually nothing happened as a tech under 4
11 hours.

12 Q. And what is your wage rate as a rigger?

13 A. Right now, I'm at 35.50.

14 Q. And when you started as a rigger?

15 A. I want to say 26 or 7. Maybe 24, sorry.

16 Q. And what is your dress? What do you typically wear to
17 work or do you have a dress code?

18 A. There's not really a code. I have a couple of black
19 T-shirts with the PSAV Rigging Services logo on the sleeve
20 and on the breast, black jeans, something black, black
21 jeans, and I generally wear steel-toed boots.

22 Q. And why do you wear steel-toed boots?

23 A. Because there's a lot of heavy stuff flying around.

24 Q. You don't need to wear steel-toed boots when you're an
25 AV tech?

1 A. No.

2 HEARING OFFICER ANDELA: Were you allowed to wear
3 steel-toed boots if they were polishable?

4 THE WITNESS: At Baltimore specifically, maybe. It
5 just, you know, it was all kind of property to property.
6 Clearly, I couldn't wear steel-toes at those properties.
7 There's some where you can only wear suit and tie, and it
8 has to be dress shoes.

9 Q. BY MS. BICHER: Okay. And I know you talked earlier
10 about the training you had to become a rigger.

11 A. Um-hum.

12 Q. How about since you've become a rigger? Have you had
13 any training opportunities?

14 A. Yeah. We've had a couple of practice sessions with a
15 bunch of us for the ETCP. I know it's been referenced a
16 couple of times in the last couple of days, which is the big
17 certification for us, that we were invited to, where we sat
18 and worked on the math and, you know, kind of went through
19 ideas for the test and how to prepare. I have SPRAT
20 training which is the rope access, like the stuff we do in
21 the atrium and on ropes coming up in January. I'm going to
22 CM Motor School in February, which is learning how to
23 actually take a chain motor apart and work on the internals
24 of it.

25 Q. You said something there that I just want to ask a

- 1 couple of more questions about.
- 2 A. Um-hum.
- 3 Q. So you mentioned that you were invited to the ETCP
- 4 training?
- 5 A. Yeah.
- 6 Q. Who were you invited by?
- 7 A. That would be Chad.
- 8 Q. Chad. And what's Chad's last name?
- 9 A. Houseknecht.
- 10 Q. Okay. And I know you said you did a CM Motor School,
- 11 and you'll be attending that in February was that?
- 12 A. Yeah.
- 13 Q. Will you be paying for that training?
- 14 A. No, that's through PSAV.
- 15 Q. PSAV pays for that training?
- 16 A. Yeah. They do it I think a couple times a year.
- 17 Q. What about the SPRAT training? Who pays for that?
- 18 A. That will also be PSAV, as far as I'm aware. The
- 19 details aren't totally ironed out on that yet but --
- 20 Q. And your time at the SPRAT training, who pays for that?
- 21 A. PSAV.
- 22 Q. And who is your current supervisor as a rigger?
- 23 A. Chad.
- 24 Q. And do you know Chad's title?
- 25 A. He is the rigging coordinator at the Gaylord.

1 MS. BICHNER: Nothing further.

2 **CROSS-EXAMINATION**

3 Q. BY MR. SHANKMAN: Does Chad report to Carl Turner, if
4 you know?

5 A. He does.

6 Q. Have you ever worked with Carl?

7 A. I've met him maybe twice.

8 Q. Never worked with him?

9 A. No.

10 Q. Has he ever talked to you about an event?

11 A. No.

12 Q. Is it correct to say that since you have become or
13 classified as a rigger, that you have continued over the
14 last 2 years to work at other properties outside the
15 Gaylord?

16 A. Now and again, yeah.

17 Q. Okay. When you first became a rigger, where did you
18 work out of?

19 A. I was still up at the Marriott at Waterfront.

20 Q. Okay. When you were at the Marriott Waterfront --

21 A. Um-hum.

22 Q. -- you worked in Northern Virginia, right?

23 A. No, that's up in Baltimore.

24 Q. Tyson's Corner's, not Northern Virginia?

25 A. Baltimore is in Maryland.

- 1 Q. Is Tyson's Corner in Northern Virginia?
- 2 A. I'm sorry. Yes.
- 3 Q. Okay. Here, let me show you.
- 4 A. Sorry.
- 5 Q. No, no, please don't apologize. Employer Exhibit 3 --
- 6 A. Um-hum.
- 7 Q. -- you are page 3.
- 8 A. Okay.
- 9 Q. Your lawyers or the lawyers in this hearing have
- 10 stipulated that these records reflect hours worked for each
- 11 rigger and locations worked for each rigger for a period of
- 12 January 2017 through November of 2018.
- 13 A. Sure.
- 14 Q. Okay.
- 15 A. Yeah.
- 16 Q. So it says under your name that -- you see where it says
- 17 Ritz-Carlton, Tyson C.
- 18 A. I do.
- 19 Q. Do you agree that's Tyson's Corner?
- 20 A. Sure.
- 21 Q. And you worked 14½ hours there?
- 22 A. I did.
- 23 Q. Okay. We don't need to go through all of them, but
- 24 looking at this list, does that refresh your recollection
- 25 that you worked at all these places for the hours listed to

1 the right of?

2 A. Sure. Yeah.

3 Q. Okay. So you started out as a rigger at the Marriott
4 Baltimore, right?

5 A. Yes.

6 Q. And do you know Kurt Kreuz?

7 A. We have worked together once, maybe two times.

8 Q. So you know him?

9 A. Yes.

10 Q. And do you know that Kurt is classified as a rigger now?

11 A. I learned that in the past couple of days, yeah.

12 Q. When you were a rigger at the Marriott Baltimore, did
13 you continue to do AV tech work from time to time?

14 A. I did.

15 Q. When you were at the Gaylord, did you stop doing AV tech
16 work I assume is your point?

17 A. Yeah.

18 Q. Okay. When you were at the Marriott Baltimore as a
19 rigger, did you build trusses?

20 A. No, usually the techs at that property would do that.

21 Q. I'm sorry. That was a terrible question. When you were
22 at the Marriott Baltimore and classified as a rigger, did
23 you build truss bridges?

24 A. No.

25 Q. When you were at the Marriott Baltimore and you were

1 classified as a rigger, did you put together ground-
2 supported trusses?

3 A. No.

4 Q. Okay. What AV tech work did you do when you were
5 classified as a rigger at the Marriott Baltimore?

6 A. So when I first became classified as a rigger, they were
7 still kind of -- they didn't do a lot of rigging at that
8 time. So there were only maybe two to three a month, and so
9 I would talk to Scott, the supervisor there, and say, hey,
10 these are the days I'm off. Do you have any of the shifts
11 you need covered? So I kind of bounced back and forth, but
12 it was never at the same time, if that makes sense.

13 Q. You lost me with those last couple of words. When you
14 say it's never at the same time, what does that mean?

15 A. As in when I was on a rigging shift, I came and did my
16 rigging things and then got, you know, left after the 4,
17 whatever, hours. When I was a tech on that shift work, I
18 wouldn't do the rigging stuff.

19 Q. Okay. And then since coming to Gaylord, if you look at
20 this document again --

21 A. Um-hum.

22 Q. -- since coming to Gaylord, you've since gone back to
23 Marriott Baltimore, right?

24 A. Yes.

25 Q. All right. And the other properties that are listed --

1 A. Sure.

2 Q. -- you bounced around to those properties as well?

3 A. Yeah.

4 Q. You said that when you were an AV technician, you did --
5 you worked mostly on smaller rooms --

6 A. Um-hum.

7 Q. -- in smaller properties.

8 A. Right.

9 Q. Okay. Have you ever seen events where PSAV's AV
10 technicians are doing work in bigger rooms with more
11 equipment than what you were used to?

12 A. Sure.

13 **(Employer's Exhibit 15 marked for identification.)**

14 Q. BY MR. SHANKMAN: Employer's 15. I'm handing you a
15 picture of Employer's or a picture that is Employer's 15.
16 Do you recognize that room?

17 A. I don't think I do.

18 Q. If I told you that room was at the Washington Hilton,
19 does that refresh your recollection?

20 A. Sure. Yeah. I don't think I've ever worked in it. It
21 doesn't look like the big oval room that I've worked in
22 there before. This might be a separate ballroom.

23 Q. Okay. All right. Have you see PSAV operations, in
24 other words, AV techs set up stuff similar to what's listed
25 on Employer's 15?

1 A. Sure.

2 Q. Not just one time. Would you agree that that's a fairly
3 frequent occurrence?

4 A. Yeah, in the buildings that have the big rooms like
5 this, yeah, definitely.

6 MR. SHANKMAN: Move for the admission of 15, please.

7 MS. BICHNER: No objection.

8 HEARING OFFICER ANDELA: 15 is admitted.

9 **(Employer's Exhibit 15 received in evidence.)**

10 Q. BY MR. SHANKMAN: Now, you went through the Orlando
11 training --

12 A. Yeah.

13 Q. -- right?

14 A. Yep.

15 Q. I'm showing you Employer's Exhibit Number 11. I'm
16 giving you Employer's Exhibit Number 11 and turning your
17 attention to page 8, and specifically the first paragraph on
18 page 8. Read that to yourself, please, and let me know when
19 you're ready.

20 A. Sure.

21 Q. Do you see the last sentence of that paragraph?

22 A. I do.

23 Q. Rigging is further defined as the hanging or fastening
24 of any items at a height of 6 feet or above.

25 A. Right.

1 Q. Do you see that?

2 A. Yeah.

3 Q. Do you remember that being in the training that you had
4 in 2014?

5 A. I do.

6 Q. And you said you worked as a cross-trained tech for I
7 think you said a year to a year and a half?

8 A. Yeah, I don't remember the exact dates.

9 Q. And I don't think -- were you here in the room
10 yesterday?

11 A. I was.

12 Q. Were you in the room on the first day, Wednesday?

13 A. No.

14 Q. When you completed your 250 hours after the year, year
15 and a half, were you tested by anyone?

16 A. No.

17 Q. Okay. At what point or who told you, okay, now you're
18 officially a rigger?

19 A. There was a long, drawn-out conversation between Scott,
20 my supervisor at the time; Erik Lundquist, who is the
21 coordinator for that region; and Patrick Wallace, who is
22 above Erik Lundquist.

23 Q. Okay. Maybe I phrased the question wrong then. Did the
24 rigging coordinator review your skills at some point in
25 time?

1 A. He did come to the Waterfront during a gig one time.

2 Q. Okay. And watched how you did your job as a rigger?

3 A. Yes.

4 Q. And did -- was that the approval you needed in order to

5 become classified as a rigger?

6 A. It was.

7 Q. Okay. And just to understand the timeline --

8 A. Um-hum.

9 Q. -- you went to the training towards the end of 2014,

10 right?

11 A. I think it was -- it might have -- it was May something.

12 I can't remember if it was '14 or '15.

13 Q. Okay. Well, let me just show you Employer's Exhibit 12.

14 MS. BICHNER: We'll stipulate to that.

15 THE WITNESS: Yeah, if you have it written down.

16 Q. BY MR. SHANKMAN: Well, I have it.

17 A. Okay. Then you know more than I do. You've got it.

18 Q. So according to this document, it's September 2014.

19 A. Okay. Sure.

20 Q. So just doing the math, adding a year, now we're into

21 September of '15, and you said a year to a year and a half.

22 So roughly early '16 is when you became a rigger?

23 A. Yeah.

24 Q. Does that sound right?

25 A. Yeah.

1 Q. And after you became a rigger, then you continued to do
2 work as a -- you took rigging shifts as well as AV tech
3 shifts?

4 A. Yeah.

5 Q. Okay. When you took the AV tech shifts as a rigger, did
6 your pay rate change?

7 A. It did not.

8 Q. Okay. So you were still paid rigger pay when you did
9 the AV tech shifts?

10 A. Correct.

11 Q. And were you still working small rooms when you took
12 those AV tech shifts like you talked about? You said
13 earlier, it was 100 percent of the time.

14 A. Yes, that is correct. It was wherever was needed. I
15 was covering shifts that were needed by the AV techs.

16 Q. Okay. But -- okay. That's fine. And have you
17 worked -- have you ever seen an AV technician build trusses?

18 A. Yes.

19 Q. When a truss is laying on the ground, it gets built?

20 A. Yes.

21 Q. Have you ever directed an AV technician to build a
22 truss?

23 A. Almost every time I've seen it happen, yeah. So I make
24 sure it's laying in the right places so we can pick it the
25 way we need to.

1 Q. Okay. And so walk me through that then. So a
2 technician comes in. How do you know that technician is
3 assigned to build trusses?

4 A. They're in the room and say, hey, we're here to help you
5 build trusses.

6 Q. Okay.

7 A. We're not given like a list of names or anything like
8 that, if that's what you're asking.

9 Q. No, but that's helpful. So they come into a room, they
10 identify themselves that they're going to build trusses.

11 A. Sure.

12 Q. And these are PSAV AV technicians?

13 A. Um-hum.

14 Q. Yes?

15 A. Yes.

16 Q. And you spend most of your time now at the Gaylord?

17 A. Yeah.

18 Q. Did you see AV technicians building trusses at the other
19 properties that you worked at as a rigger?

20 A. It depends on the property. I have, yeah, at some of
21 them.

22 Q. In other words, it's not a unique event for an AV
23 technician to build a truss?

24 A. To build a truss as it's laying on the floor, yeah.

25 Q. Okay. And so just -- and to understand the process, who

1 carries the truss out to the floor?

2 A. Again, property to property.

3 Q. Okay. Well, let's start at Gaylord. Who carries the
4 truss out to the floor?

5 A. So we usually get it from its storage into the room it's
6 going to be used in, and then our truss builders or AV
7 techs, whatever you want to call them, will then lay it out
8 at our direction and bolt it together.

9 Q. Okay. Who's the "we" in that sentence? You said "we
10 usually get it"?

11 A. We usually push it to the room. The "we" would be the
12 riggers.

13 Q. Okay. So the riggers retrieve it, put it on the ground.

14 A. Sure.

15 Q. Do you lay it out in some basic format before putting it
16 in the right spot?

17 A. It depends on the gig, but yeah, sometimes.

18 Q. All right. And then once you do that, you tell the AV
19 techs to put the truss together?

20 A. Yeah.

21 Q. To bolt it together?

22 A. Correct.

23 Q. Are there times where riggers will also work with the
24 technicians to bolt it together?

25 A. Well, sure. I mean we have shows that are 1,500 feet of

1 truss, you know. Everybody's bolting at that point, you
2 know. That's a lot of bolts.

3 Q. Okay. And do you chalk the floor for the layout --
4 withdraw that. Do riggers chalk the floor where the truss
5 is going to be laid out?

6 A. So that's not a PSAV thing because we have carpet
7 floors. That --

8 Q. How about Gaylord?

9 A. Almost all the property. I can't think of a PSAV
10 property that has a ballroom with not a carpet floor. The
11 exhibit hall, sure, but we really don't chalk there either.

12 Q. Okay. Who was it -- you used that term before.

13 A. So that was when I did some freelance work.

14 Q. Got you.

15 A. Yeah, okay.

16 Q. Got it.

17 A. That's mostly an arena thing or an outside show thing.
18 That's not generally in hotels.

19 Q. So -- all right. That's fine. So the riggers retrieve
20 the truss pieces, lay them out on the floor in some form,
21 and then the technicians and sometimes riggers will put the
22 truss together; is that correct?

23 A. Yeah.

24 Q. All right. And once the truss is together, do you
25 inspect the truss -- the bolts themselves to make sure that

1 it was put together correctly?

2 A. I wouldn't say every bolt, but yeah, we check them
3 sometimes to make sure, especially if we're not familiar
4 with the people doing it.

5 Q. Okay. So sometimes you'll trust the AV technicians
6 because you've seen them do the work before, and other times
7 you'll check it?

8 A. So, generally speaking, only to the Gaylord, we have
9 truss bolters. They're over-hire people that come in and
10 help us, and if it's someone we're familiar with, because we
11 get a lot of the same people popping up, so if it's someone
12 we're familiar with, hey, I know this guy, he's here all the
13 time, truss bolting, you know, he knows what he's doing. If
14 a random AV walks in the room to also help us and I don't
15 know him, I'll go ahead and check a couple in his line to
16 make sure he knows -- he has an idea of what's going on
17 there, not too tight, not too loose, whatever.

18 Q. Well, are you suggesting that over-hires are the only
19 people who build trusses?

20 A. I'm not.

21 Q. Okay. So AV technicians will build trusses as well?

22 A. Right, but I'm saying they're the ones that I will go
23 after and check because they're not in there all the time.
24 They're not our familiar faces that are doing it all the
25 time.

1 Q. Well, it's the "all the time" phrase that you keep
2 saying that confuses me because all means all, right?

3 A. Sure.

4 Q. So what's the story?

5 A. Okay. We have -- 90 percent of the time, we have our
6 core crew of Crew Works truss bolters that will come in and
7 bolt trusses. Now and again, 10 percent of the time,
8 they're not available. So an AV tech will come help. If
9 I'm not familiar with that guy, I will check his work.

10 Q. Now, that's at the Gaylord, right?

11 A. Sure.

12 Q. Okay.

13 A. Yes.

14 Q. Have you built trusses at the Marriott Marquis?

15 A. Usually, they have their AV techs do that.

16 Q. Okay. So you heard Thomas Allen, and I don't want to
17 redo all this.

18 A. Okay.

19 Q. You heard Thomas Allen say how the AV technicians will
20 build trusses?

21 A. Yeah.

22 Q. Did you experience that as well?

23 A. Yes.

24 Q. Okay. Did you direct AV technicians the way Thomas said
25 that Eliza would from time to time?

1 A. Yeah.

2 Q. Okay. And it's the same kind of direction; let's put
3 the truss together?

4 A. Yeah, but it's all -- yes, but it's also make sure that
5 it's in the right spot, because if you're going to build 600
6 feet of truss, you don't want to then have to drag it 6 rows
7 of points over.

8 Q. Makes perfect sense.

9 A. Sure.

10 Q. In other words, like do you do the -- is there a special
11 skill to turn the bolt to connect the truss that they have
12 to be trained on?

13 A. There's a certain torque that it needs, and if it's too
14 tight or too loose, it could be detrimental to the
15 structure.

16 Q. Okay. And is that something that the AV techs typically
17 know, or is that something you have to show them?

18 A. I would say we generally show them the first time --

19 Q. Okay.

20 A. -- depending on their prior experience. Everybody's
21 different.

22 Q. Right. But after the first time, it's something that is
23 relatively easy?

24 A. Yeah, it's something you've got, sure.

25 Q. Okay. All right. So the truss gets built, the AV techs

1 say it's done, you guys inspect unless you know the person
2 who did it?

3 A. Sure.

4 Q. Is that a fair summary?

5 A. Yes, correct.

6 Q. Then the motors get attached, right?

7 A. Um-hum.

8 Q. Yes?

9 A. Yes. I'm sorry.

10 Q. That's all right. The truss gets lifted to working
11 height, right?

12 A. Right.

13 Q. AV technicians then put the gear on, or whoever's doing
14 the production puts the gear on?

15 A. Right.

16 Q. And then do you -- when you -- we've heard other people
17 testify to this.

18 A. Um-hum.

19 Q. Do you put the safety strap on or do you -- for the
20 gear, for the lights, video, et cetera, or do you inspect it
21 hoping that the technician put it on correctly?

22 A. You're speaking to like lighting safeties?

23 Q. Yes.

24 A. Yeah, we usually take a walk before we take it to
25 height --

1 Q. Okay.

2 A. -- to make sure everything has a safety.

3 Q. Do you actually put it on, or you're just checking
4 that --

5 A. No, I'm checking that it is, and if there's one missing,
6 then I'll say, hey, lighting, you're missing XYZ.

7 Q. Okay. And then it goes up to trim height.

8 A. Yeah.

9 Q. And then the -- well, I'll withdraw that. That's fine.
10 And then it goes to the trim height and -- have you heard
11 any testimony today from other riggers that you've disagreed
12 with as to what occurs at the trim height level?

13 A. I only got here at noon.

14 Q. Okay.

15 A. So.

16 Q. You said that you work a fixed schedule when you were
17 assigned to a hotel and a varying schedule when you were
18 assigned to the branch, correct?

19 A. That is true.

20 Q. As an AV technician?

21 A. I'm sorry.

22 Q. That was as an AV technician, right? In Baltimore when
23 you worked at a hotel on a fixed schedule?

24 A. Yes.

25 Q. Okay.

1 A. Yes.

2 Q. And you were still an AV technician when you worked at
3 the branch?

4 A. That was prior but yes.

5 Q. Okay. So it was branch first.

6 A. Branch and then the hotel.

7 Q. Got it.

8 A. Right.

9 Q. Were you classified as a technician when you worked at
10 the branch?

11 A. Yeah. I might add that that was part time, and once I
12 was at the hotel, that's when I switched to full time.

13 Q. Were you aware of other AV technicians who did not work
14 a fixed schedule like you did when you worked at a hotel?

15 A. I'm sure that happens, yeah.

16 MR. SHANKMAN: Nothing further.

17 MS. BICHNER: Just a few questions.

18 **REDIRECT EXAMINATION**

19 Q. BY MS. BICHNER: I know you mentioned earlier that you,
20 while you were classified as a rigger, ask Scott for some AV
21 work. Why would you do that?

22 A. Because like I said, actually just now, that's when I
23 was full time at that hotel, and so at that point, there was
24 not enough rigging to sustain a full-timer. So I was
25 trying, you know, I was a full-timer. I was trying to keep

1 my benefits and keep, you know, keep a full-time status with
2 the Company.

3 Q. And how long after you were classified as a rigger did
4 you do AV tech work in addition?

5 A. As it happened, right.

6 Q. Well, at what point did you no longer -- do you do AV
7 tech work right now?

8 A. I don't.

9 Q. Okay. And when did you stop doing AV tech work? Was
10 there some sort of time?

11 A. Pretty much when I transferred down to the Gaylord
12 because we basically found out that there was not enough
13 full-time -- you couldn't get full-time hours just being a
14 rigger in Baltimore. So I transferred down to the Gaylord.

15 Q. I notice over-hire personnel that you mentioned at the
16 Gaylord --

17 A. Um-hum.

18 Q. -- I think it's Crew Works Company --

19 A. Yeah.

20 Q. -- are they AV techs?

21 A. So the way that -- this can go really long, but the way
22 Crew Works works is basically you call their central office
23 and you say, I need this type of person, and they categorize
24 them into I want to say --

25 MR. SHANKMAN: I'm sorry. I object to the foundation of

1 this. I think we need a little more background as to his
2 particular knowledge.

3 Q. BY MS. BICHNER: Are the people that you're working with
4 that are over-hire, are they PSAV employees?

5 A. No.

6 MS. BICHNER: No further questions.

7 MR. SHANKMAN: Nothing further.

8 HEARING OFFICER ANDELA: You're excused.

9 THE WITNESS: Thank you.

10 **(Witness excused.)**

11 HEARING OFFICER ANDELA: Any additional witnesses?

12 MS. SIMON: Petitioner has no additional witnesses at
13 this time.

14 HEARING OFFICER ANDELA: Does the Employer have any
15 additional witnesses?

16 MR. SHANKMAN: Yes, quick rebuttal, Mr. Wallace.

17 HEARING OFFICER ANDELA: Same procedure. You're still
18 under oath.

19 (Whereupon,

20 **PATRICK WALLACE**

21 was recalled as a witness by and on behalf of the Employer
22 and, having been previously sworn, was examined and
23 testified as follows:)

24 **DIRECT EXAMINATION**

25 Q. BY MR. SHANKMAN: Mr. Wallace, you've been present for

1 the whole hearing --

2 A. Yes.

3 Q. -- roughly, right?

4 A. Yes.

5 Q. There's been some discussion on a couple of points that
6 I just want to address for the record. There was a lot of
7 discussion with Mike Queally yesterday where he talked about
8 inspection and repair to fixed points --

9 A. Yes.

10 Q. -- at the Gaylord. Can you tell us what your
11 recollection of that event was?

12 A. Sure. During the course of events where they were
13 rigging in the Exhibition Hall, it was noted that the point
14 that he first showed was pulling out of the ceiling in the
15 process of using it. It was brought to Chad's attention.
16 Chad then escorted it up to myself and Demian Purdy, who is
17 in charge of the PSAV national installations.

18 Q. I'm sorry. Try and talk a little slower.

19 A. Sorry.

20 Q. It's Demian Purdy.

21 A. Demian Purdy.

22 Q. It's D-e-m --

23 HEARING OFFICER ANDELA: Can you spell that?

24 MR. SHANKMAN: D-e-m-i-a-n P-u-r-d-y.

25 THE WITNESS: Yes. Who's in charge of national rigging

1 installations. We reviewed the plan and basically decided
2 the first course of action would be to do a survey of the
3 hall. Part of the problem with Gaylord National is it's
4 such a busy place that the normal plan we would do would be
5 to send a team of the installers in to do that survey, but
6 it was impossible to do with that hall due to the time
7 period that it is used. So we talked about it, pushed it
8 back, and decided that it's best to have the riggers do that
9 initial site survey as they could fit it in around their
10 schedule.

11 Once that site survey was done, it was -- that document
12 that Mike Queally presented was actually forwarded up to
13 myself, Chad, and Demian to review, and then we looked at
14 that, determined sort of what was happening. Demian then
15 engaged Hopper Engineering, which is PSAV's permanent
16 engineering team, to discuss some solution options that were
17 available to make sure that we wouldn't alter the
18 engineering that we had in the building, what solutions were
19 available to us, determine what those would be.

20 And then Chad and Demian worked out a discussion and
21 decided that between them, there was enough people at the
22 Gaylord that had previous install experience that they could
23 be successfully engaged to do the work on site, and again,
24 this is another one of those things that generally that work
25 would have been done by the install team, but because there

1 were workers without abilities there, and also because that
2 hall is so busy, that's one of the things Michael talked
3 about was how long it took to do it, because that work kind
4 of had to be tucked in around the events that were
5 occurring.

6 And so after they did that inspection, they did their
7 remediation to the points. They took pictures of their
8 remediation and then sent it back up, and Chad, Demian, and
9 myself reviewed it to make sure it was done as we expected
10 it would be done. And then every year, there is a national
11 inspection team that travels the country that goes to every
12 single one of our properties and does a verification test,
13 visual inspection and pull test of our points. They will
14 pick a third of the points in the building at any time and
15 pull a random assortment. So over the next 2 years, we've
16 asked that those points be the ones that had priority and
17 being tested in the XHall until they've all gone through the
18 typical cycle of testing.

19 Q. BY MR. SHANKMAN: And is the fact that they -- that the
20 riggers at the Gaylord performed this repair and
21 installation of those points, is that now a regular duty of
22 the riggers at the Gaylord?

23 A. No, it's a one-off experience because of the nature of
24 that property. I mean once they're repaired, they should be
25 done.

1 Q. All right. And you said there was some kind of time
2 constraint was the impression I got?

3 A. Yeah, I mean Gaylord National is a phenomenally busy
4 facility. So it's hard to get the hotel to block off
5 specifically the entire XHall for any length of time to do
6 this work. So the decision was made we could kind of do it
7 in found time between events loading in or on one of the
8 segments that the XHall wasn't busy or being used.

9 Q. So this process then was a result of time constraints
10 and the uniqueness of that property. Is that a fair --

11 A. Yes.

12 Q. -- statement?

13 A. Yes.

14 Q. Okay. I want to switch your attention to the ETCP class
15 or the certification training. Some emails from you were
16 produced by the Union counsel.

17 A. Yes.

18 Q. What precipitated those emails?

19 A. There was a skip-level meeting that generally happens
20 between Kevin and all the technicians in the D.C. region.

21 MS. SIMON: I'm sorry. Kevin?

22 THE WITNESS: Wanamaker, at the time, in the D.C.
23 region, and it's an opportunity for the technicians to speak
24 beyond the person that directly oversees them in day-to-day
25 operations and to speak to the person who is in charge of

1 operations in that region. It's something the Company has
2 implemented in the last couple of years to really give an
3 opportunity to make everyone know that their voice is heard,
4 so they don't feel as though if they're talking to their
5 direct manager, it's not just getting lost in the shuffle.

6 So Kevin had had that meeting with the Gaylord National
7 and worked his way through the team. Yeah, I feel great.
8 So this will be awesome tonight. So he worked his way
9 through the team, and a number of things came up concerning
10 rigging operations, a number of things came up at Gaylord
11 National specifically. I know about the rigging operations
12 portion of it, and we had a discussion. We stepped back,
13 and some of the things that came up were the requests for
14 further training. PSAV offers some internal trainings that
15 we were able to allow the -- tried to get more of the
16 riggers into.

17 And then one of the requests was to start this ETCP
18 training program. That went to Kevin. He spoke to me about
19 it. We talked about the pluses and minuses of the program
20 and what it would mean, and basically we decided there was
21 money in the budget to cover the cost, and a lot of people
22 started taking the class and, you know, said it was
23 something that we felt was a benefit. PSAV is a strong
24 supporter of the program. It's something that both on the
25 power and the rigging side that we believe in. So we try to

1 make an opportunity it's available.

2 Q. BY MR. SHANKMAN: And did all the riggers attend that
3 program?

4 A. No. It would have been 60 to 65 percent.

5 Q. Okay. And was it ever required that they attend that
6 program?

7 A. No, we did it over multiple days in two different places
8 so that people had opportunities when they were free.

9 Q. Were additional duties assigned to any rigger who became
10 ETCP certified?

11 A. No, it's just something you get.

12 Q. It was just another layer of training that was offered?

13 A. Yes.

14 Q. Do you know, and if you don't, that's fine, but do you
15 know if PSAV has engaged in these comparable training
16 efforts for other positions in the organization?

17 A. I know there's other training available, but I don't
18 know the specifics.

19 Q. All right. You heard me ask Matt Jones a question about
20 the 6-foot rigging requirement.

21 A. Yes.

22 Q. I know you started the Company in 2015. Was that 6-foot
23 rigging requirement in place or that 6 foot in the air
24 definition of rigging, was that in place before you came to
25 PSAV, or was that something you implemented?

1 A. No, my understanding is that that dates to the beginning
2 of rigging services 10 years ago.

3 Q. Okay. So when you came to the Company, that standard
4 was the standard for what is defined as rigging at PSAV?

5 A. Yes.

6 MR. SHANKMAN: That's it. Thank you.

7 MS. SIMON: Petitioner has no questions.

8 HEARING OFFICER ANDELA: I have one question.

9 THE WITNESS: Yeah.

10 HEARING OFFICER ANDELA: You said no additional tasks
11 were assigned to those riggers. Was a pay increase offered
12 to them?

13 THE WITNESS: There is a pay increase offered, and that
14 happens with a couple of different trainings offered
15 throughout the Company.

16 HEARING OFFICER ANDELA: Thanks. Anything else?

17 MR. SHANKMAN: No.

18 HEARING OFFICER ANDELA: You're excused.

19 THE WITNESS: Thank you very much, guys.

20 **(Witness excused.)**

21 MR. SHANKMAN: The Employer calls Kevin Wanamaker.

22 HEARING OFFICER ANDELA: Mr. Wanamaker, you're still
23 under oath.

24 (Whereupon,

25 **KEVIN WANAMAKER**

1 was recalled as a witness by and on behalf of the Employer
2 and, having been previously sworn, was examined and
3 testified as follows:)

4 **(Employer's Exhibit 16 and 17 marked for identification.)**

5 **DIRECT EXAMINATION**

6 Q. BY MR. SHANKMAN: Mr. Wanamaker, I'm handing you
7 Employer's Exhibits 16 and 17. Can you identify these
8 documents?

9 A. So these are rates of pay for team members in
10 Washington, D.C., Maryland, Virginia area, as of December
11 20, 2018.

12 MR. SHANKMAN: Just for the court reporter, these -- on
13 Employer's Exhibit 17 is a front and back, and we're making
14 copies.

15 Q. BY MR. SHANKMAN: Did you cause these documents to be
16 prepared?

17 A. Yes.

18 Q. Is the information from -- that's on these documents, is
19 this information sourced from the UltiPro Time and
20 Attendance system?

21 A. Yes, it is.

22 Q. And do these -- let's look at Exhibit 16. Is Exhibit 16
23 an accurate reflection of the pay scale for riggers in the
24 D.C., Maryland, and Northern Virginia region?

25 A. Yes.

1 Q. Is Exhibit 17 an accurate description or an accurate
2 representation of the wage rates for some class of audio
3 visual technicians in the D.C., Maryland, and Northern
4 Virginia region?

5 A. Yes.

6 Q. Okay. And do you know why the classification is limited
7 to technical supervisors?

8 A. Those positions --

9 Q. I'm sorry. Technical specialists and supervisors?

10 A. Sure. Technical specialists and technical supervisors
11 generally have more experience and more time at the Company
12 and are -- their work is more similar to the riggers as well
13 as those positions that also do rigging work as well.

14 Q. Okay. So if you look about --

15 MS. SIMON: Can we get a little bit of voir dire on this
16 before we go any further?

17 **VOIR DIRE EXAMINATION**

18 Q. BY MS. SIMON: Mr. Wanamaker, if you look at Exhibit 17,
19 and you look at employee number --

20 A. Yes.

21 Q. -- is each of these rates specific to the person?

22 A. Yes, it is.

23 Q. Okay.

24 A. Every employee has an individual employee ID number.

25 Q. Okay. So this is just -- so just looking at the top,

1 018894 technical specialist is making \$37 an hour, and that
2 represents one employee?

3 A. Correct, that's their pay rate every time they work.

4 Q. Okay.

5 MR. SHANKMAN: And just -- I'm sorry. Anything else?

6 MS. SIMON: Yeah -- actually year.

7 MR. SHANKMAN: Okay.

8 MS. SIMON: Sorry. I've got to look through the
9 employee list.

10 Q. BY MS. SIMON: And so is it the case that everyone on
11 this list is either a technical specialist or a technical
12 supervisor?

13 A. That is correct.

14 Q. Okay. So I'm looking now at Employer -- Document C
15 which is the PSAV proposed bargaining unit as of December 9,
16 2018 that was filed with your position statement. I think
17 it's Board Exhibit 1 --

18 HEARING OFFICER ANDELA: Board Exhibit 3?

19 Q. BY MS. SIMON: 3, okay. So there are a number of
20 additional classifications listed in this proposed
21 bargaining unit. So, for example, concierge. Is there any
22 concierge employees that is listed on Exhibit 17?

23 A. Not on this report.

24 Q. Okay. And what about a regular technician?

25 A. They are not listed on this report.

1 Q. Okay. And technical lead?

2 A. Are not listed on this report.

3 Q. Driver technicians?

4 A. Not on this report.

5 MR. SHANKMAN: I think we're past the foundation part of
6 this document.

7 MS. SIMON: I'm just trying to understand what portion
8 of the petitioned-for or the petitioned-for employees that
9 are in the Employer's proposed bargaining unit this
10 represents that's relevant.

11 Q. BY MS. SIMON: Lead warehouse technician?

12 A. Is not on this report.

13 Q. Inventory control specialist, and we could go on, but
14 I'll leave it at that.

15 A. Not on this report.

16 Q. Is anyone on that list covered by a collective
17 bargaining agreement?

18 A. No, not on this.

19 Q. Thank you.

20 A. Not that I'm aware of.

21 MR. SHANKMAN: Move the admission of Employer's 16 and
22 17.

23 HEARING OFFICER ANDELA: Any objection?

24 MS. SIMON: No objection.

25 HEARING OFFICER ANDELA: 16 and 17 are admitted.

1 **(Employer's Exhibits 16 and 17 received in evidence.)**

2 **DIRECT EXAMINATION (cont.)**

3 Q. BY MR. SHANKMAN: Do you have this document in front of
4 you, the schedules?

5 A. I do. This one?

6 Q. Yep. If you'll turn to the third page of the schedule.
7 I'm sorry. Union Exhibit 17.

8 A. I have it now.

9 Q. Are you there?

10 A. Yes.

11 Q. Towards the bottom, you see the name Eric Mitchell and
12 the name Darnell Smith?

13 A. Yes.

14 Q. What position is Eric Mitchell at PSAV?

15 A. He's usually a lead technician.

16 Q. All right. So this covers the period of 2018, right?

17 A. Correct.

18 Q. Okay. So at the time his name apparently appeared on
19 this schedule, he was a lead technician?

20 A. I believe so, yes.

21 Q. Okay. And who was or who is Darnell Smith?

22 A. He's a technical specialist.

23 Q. Okay. And are those lead technician and technical
24 specialists, are those within the group that's classified as
25 an AV technician?

1 A. Yes.

2 Q. What would you describe as an entry-level technician?

3 A. An entry-level technician would be somebody who is new
4 to the Company and generally new to AV in general. They may
5 have some experience. They are generally somebody who has
6 an interest in what we do. They may have good customer
7 service background and some technical knowledge, but they
8 are new to PSAV at the very least if not the industry as a
9 whole.

10 Q. Okay. And earlier we heard testimony about an A-1, a
11 L-1, or a V-1. Is it correct to say that anyone in that
12 level or that position has mastered their particular
13 specialty?

14 A. That is correct.

15 Q. Okay. Would you provide the same level of training to
16 an A-1, L-1, or V-1 that you would provide to an entry-level
17 technician?

18 A. No.

19 Q. Okay. Why not?

20 A. Generally, at that point, they're learning more advanced
21 skills. They may be learning skill sets from the other
22 disciplines that they may not know yet or know as well.
23 Some of what we would teach the AV technicians might be a
24 little bit above their head. They're not ready. There's
25 prerequisites for different training or further preparing

1 them if they advance in their career.

2 Q. Okay. And when you said -- started out the discussion,
3 just to be clear, when you were talking about the first
4 group, that they may take areas of training that they don't
5 know. Would rigging be an example like that?

6 A. Yes.

7 Q. And that group that you're talking about is the A-1,
8 L-1, V-1 group?

9 A. That is correct. The technical specialists.

10 Q. And how much training, if you can quantify it, does PSAV
11 provide for AV technicians?

12 A. It would be hard to quantify. It's a lot. We have an
13 online training program that offers hundreds of different
14 classes in all the different areas that we operate in,
15 audio, video, lighting, power, internet, rigging, everything
16 that we do. There's lots of online training, and then we
17 have a in-person classes as well. I want to say the list is
18 around 30 in-person classes that we can choose from and we
19 will schedule throughout the year. Each quarter, we have an
20 allotment of in-person classes that we do, and that may vary
21 from anything from again audio, video, lighting, et cetera,
22 and down to the specifics as well. We may have a class
23 specifically for a high-end video switcher to teach
24 everyone, you know, how to use a Hog or a Hog lighting
25 console or a high-end audio mixer, so that they're more

1 prepared for some of the higher end shows, the more advanced
2 events, where we would have to trust them to be able to
3 operate that event without it failing miserably.

4 Q. Are there training levels for AV technicians that you
5 complete a training or a certification, it will result in a
6 bump in pay?

7 A. Yes.

8 Q. Okay. And is that how -- have you applied that increase
9 in pay following the completion of training for AV
10 technicians in your region?

11 A. Yes. It happens sometimes that they may also have an
12 opportunity to move to a larger property where we may use
13 that equipment more regularly, and thus we would give them
14 an increase in pay to do that because now they're taking on
15 the added-on responsibility of those higher end shows.

16 Q. Got it. Thank you. Are you familiar with the Marriott
17 Marquis PSAV office?

18 A. Yes, I am.

19 Q. Are you familiar with Randy Whitcomb's -- where his desk
20 is?

21 A. Yes, I am.

22 Q. All right. Do any other PSAV individuals have their
23 desk in that office?

24 A. Yes.

25 Q. Who?

1 A. We have the -- our ops managers both have offices in
2 there as well as a number of our lead technicians, our
3 inventory control specialist, our inventory control
4 coordinator I think at that property. It's a mix.
5 Everyone's in one office. Everyone comes into the same
6 centralized office, aside from the sales team who are in
7 another office.

8 Q. Okay. So Thomas Allen testified there was another
9 office on a mezzanine level.

10 A. Yes.

11 Q. Is that right?

12 A. That is correct. That is not the sales office.

13 Q. That is not the sales office?

14 A. No, the sales office is in the office with the hotel
15 sales team, separate.

16 Q. Is the office on the second -- on the mezzanine level a
17 PSAV office?

18 A. It is a PSAV office.

19 Q. Okay. Who's there?

20 A. I believe it's vacant at the moment, or possibly one of
21 our internet technicians or internet supervisors is using
22 that office.

23 Q. Okay. Where is Sean Lyden? Sean is the DET, right?

24 A. Sean is the DET.

25 Q. Well, where does Sean Lyden have his desk?

1 A. It's in the main PSAV office where Randy's desk is. His
2 desk is right next to -- Sean's and Randy's desks are next
3 to each other.

4 Q. Okay. And does Randy report to Sean or someone else at
5 that location?

6 A. Randy reports to Sean.

7 MR. SHANKMAN: I have nothing further.

8 **CROSS-EXAMINATION**

9 Q. BY MS. BICHNER: We just have one question, and it's
10 sort of a voir dire question on Employer 13. So the
11 technical specialists that are listed here, is that like
12 interchangeable?

13 MR. SHANKMAN: Sorry. Which number?

14 MS. BICHNER: Employer 17.

15 HEARING OFFICER ANDELA: Oh, 17. I thought you said 13.

16 Q. BY MS. BICHNER: So the technical specialist, is that
17 equivalent to a A-1, L-1, or is it a different category of
18 employee?

19 A. No, generally a technical specialist is an A-1 or a L-1.
20 So their job is a technical specialist. Their job is to be
21 responsible for high-end equipment.

22 Q. And just a question. So on like a complete payroll
23 record, with all classifications, would it say technical
24 specialist, or would there ever be a time where it would say
25 A-1, L-1?

1 A. On this record?

2 Q. No, no, no, on complete pay records, with all other
3 classifications that work at PSAV?

4 A. I'm not entirely sure. We do at times on certain
5 records denote if somebody's an A-1, a L-1, or a V-1, but
6 I'm not entirely sure.

7 Q. And what, in particular, about this snapshot of payroll
8 record out of the 550 other classifications that are in the
9 petitioned or that the Employer proposes to be added to the
10 petitioned-for unit, what was special about these that you
11 chose to provide them today?

12 MR. SHANKMAN: Objection. It assumes that he chose to
13 provide them rather than counsel.

14 MS. BICHNER: Why did you --

15 MR. SHANKMAN: I think it's a proper question as to the
16 work product of counsel as to why we put a particular
17 document into evidence.

18 Q. BY MS. BICHNER: Do you know why there's 50 people here
19 instead of all 553?

20 A. I do not.

21 Q. Do you know whoever does the payroll records? Is that
22 you?

23 A. No.

24 Q. Okay. Do you know why --

25 A. But I can run that record.

1 Q. I'm sorry.

2 A. This was directed to be run. I did not personally run
3 this.

4 Q. Okay. So do you know why in some places on payroll
5 records it's noted specifically an A-1 as opposed to a
6 technical specialist?

7 MR. SHANKMAN: Objection. Lack of foundation. Do you
8 have records that say that?

9 MS. BICHLER: I would have to go back and check the
10 payroll records, but Mr. Wanamaker already testified that
11 there are places he thinks where it's denoted that sometimes
12 it's A-1 as opposed to technical specialist. He testified
13 to that earlier. I'm asking him if he knows why that is.

14 MR. SHANKMAN: His testimony was he was unsure, and it
15 could be. So if you want to ask him a question on that
16 point, that's fine. I just don't want to assume that that's
17 the standard.

18 MS. BICHLER: The Petitioner has no more questions.

19 HEARING OFFICER ANDELA: Anything additional?

20 MR. SHANKMAN: Nothing further.

21 HEARING OFFICER ANDELA: Any additional witnesses?

22 MR. SHANKMAN: No.

23 HEARING OFFICER ANDELA: Mr. Wanamaker, you're excused.

24 THE WITNESS: Thank you.

25 MS. SIMON: I do have one technical thing. Let me see

1 if I can -- can we go off the record for a minute?

2 **HEARING OFFICER ANDELA: Sure. Off the record.**

3 **(Off the record from 2:14 p.m. to 2:17 p.m.)**

4 **HEARING OFFICER ANDELA: Back on the record.**

5 MR. SHANKMAN: We want to recall --

6 HEARING OFFICER ANDELA: Mr. Wanamaker has been recalled
7 to the stand for a quick question.

8 **REDIRECT EXAMINATION**

9 Q. BY MR. SHANKMAN: You've heard of classifications of
10 part-time technicians, part-time riggers, full-time
11 technicians, full-time riggers, right?

12 A. Yes.

13 Q. Okay. What's the Company's policy with regard to
14 part-time technicians and their flexibility to either reject
15 or request that they work?

16 A. They have the option to reject work as they deem fit.
17 We try to schedule it -- we schedule to our business, and we
18 request that they -- we put out a shift and say who's
19 available to work this shift, and you know, if somebody
20 volunteers to take it, we're happy to have their help, but
21 they're part time. So we don't generally force them, or we
22 don't force them to take any shifts. They can reject any
23 shift they want.

24 Q. Okay. Does that same flexibility apply to full-timers?

25 A. We try to be flexible with our full-timers as well.

1 They have the ability to say I can't work a shift. They
2 have the ability to request time off, and even beyond that,
3 they have the ability to say I'm unavailable to work that
4 shift for any number of reasons, and we are flexible with
5 them as well. You know, if they are full time, we do have
6 some general ability to say, you know, we really need you to
7 work this shift, and we may direct them to work certain
8 shifts, but we are flexible with the full-timers to a
9 similar extent that we are with the part-timers.

10 Q. And does that flexibility change whether you're a rigger
11 or a technician?

12 A. Not at all.

13 MR. SHANKMAN: Okay. Nothing further.

14 HEARING OFFICER ANDELA: Ms. Simon?

15 MS. SIMON: I have nothing further.

16 **(Witness excused.)**

17 MR. SHANKMAN: So let's stay on the record. We'll do
18 the stip real quick. So counsel identified Employer's or
19 Union Exhibit -- what is it?

20 MS. SIMON: Union Exhibit 17.

21 MR. SHANKMAN: Union Exhibit 17. So we're going to
22 substitute Union's Exhibit 17. Counsel, you'll provide
23 copies to the Region as well as the Employer's counsel of
24 the color-coded copies?

25 MS. SIMON: Yes.

1 MR. SHANKMAN: And we can stipulate that the color codes
2 across the top of the document correlate to the actual shift
3 blocks. So if there's a pink shift block or a shift block
4 that's colored pink, that is color-coded to mean that that
5 person denied that particular shift. Do we agree?

6 MS. SIMON: We agree.

7 MR. SHANKMAN: And the same is true for the color code
8 across the top?

9 MS. SIMON: For the entire Union Exhibit 17.

10 MR. SHANKMAN: Yep. Okay. So stipulated.

11 HEARING OFFICER ANDELA: Replacement Union 17 admitted.

12 **(Petitioner's Exhibit 17 substituted and received in**
13 **evidence.)**

14 MS. SIMON: Thank you.

15 MR. SHANKMAN: Is that your only copy?

16 MS. SIMON: It is my only copy.

17 MR. SHANKMAN: No, no, I know with you, so we can give
18 it to Matt, and he can --

19 MS. SIMON: Yes, we can.

20 MR. SHANKMAN: All right. I think we're off the record.
21 Can we go off the record?

22 **HEARING OFFICER ANDELA: Off the record.**

23 **(Off the record from 2:20 p.m. to 2:22 p.m.)**

24 **HEARING OFFICER ANDELA: We can go back on the record.**

25 All right. Before we close, I need to get the parties'

1 final positions on the record. First step is to summarize
2 on the record those issues the parties have resolved during
3 the course of the hearing.

4 Correct me if I'm wrong. I think we resolved one issue,
5 which is based on and, Petitioner, are you willing to
6 proceed in any unit the Regional Director finds appropriate?

7 MS. SIMON: The Petitioner is willing to proceed to an
8 election with any unit the Regional Director finds
9 appropriate, so long as that unit consists only of riggers
10 and rigging supervisors. So I believe that the Employer
11 suggested that it should be a larger geographic
12 jurisdiction, more of Maryland or all of Maryland rather
13 than just the D.C. suburbs of Maryland.

14 If the Regional Director were to direct an election in a
15 unit of riggers and rigging supervisors in D.C., Northern
16 Virginia, and Maryland, the Petitioner would agree to an
17 election.

18 HEARING OFFICER ANDELA: Thank you. And earlier we
19 discussed that should that be the case, the single
20 individual identified, whose name I forget.

21 MR. SHANKMAN: Kurt Kreuz.

22 HEARING OFFICER ANDELA: Was it Kurt Kreuz? All right.
23 He will vote subject to challenge, should the Region direct
24 an election for the petitioned-for unit extended to
25 Maryland.

1 MR. SHANKMAN: Would you challenge him? That's my only
2 confusion.

3 HEARING OFFICER ANDELA: It's a -- well --

4 MR. SHANKMAN: I just don't think we necessarily need to
5 challenge him if that's what the Regional Director decides.
6 If the Regional Director believes that the -- Mr. Kreuz is
7 the Baltimore rigger --

8 HEARING OFFICER ANDELA: I think the idea is the
9 Regional Director will defer the geographic issue.

10 MR. SHANKMAN: If that's --

11 HEARING OFFICER ANDELA: Yes.

12 MR. SHANKMAN: Okay.

13 HEARING OFFICER ANDELA: If the Region directs an
14 election in a unit of riggers, in we'll say the petitioned-
15 for unit, the geographic issue he did not resolve, it will
16 be deferred, and if necessary, in a post-election
17 proceeding, we could finalize that if the challenge is
18 determinative and could not be resolved.

19 MR. SHANKMAN: Okay.

20 HEARING OFFICER ANDELA: Does that make sense?

21 MS. SIMON: Yes.

22 MR. SHANKMAN: Yes.

23 HEARING OFFICER ANDELA: So I think other than that, I
24 don't think we've resolved any issues because I think
25 there's -- well, we did resolve one other issue, which is

1 that the Employer's list of riggers, the number is accurate,
2 because I think the Petitioner had 30 and --

3 MS. SIMON: Correct.

4 HEARING OFFICER ANDELA: -- originally your position was
5 that was too many for the classification.

6 MR. SHANKMAN: So you're working with our list in other
7 words.

8 HEARING OFFICER ANDELA: And I think you stipulated to
9 that.

10 MS. SIMON: I believe so. It's certainly not 30. It's
11 possible there might be one missing person, but certainly
12 not 30.

13 HEARING OFFICER ANDELA: Okay. So I need your exact
14 final position regarding the sole remaining issue, which is
15 the unit, appropriate unit.

16 MS. SIMON: Is there an issue regarding the mail ballot
17 versus manual?

18 HEARING OFFICER ANDELA: That is something that will
19 come right after this. These are for litigable issues, and
20 then the election details will --

21 MR. SHANKMAN: In terms of our position on the final
22 issue, the community of interest between the riggers and the
23 other identified employees from PSAV, that's the issue.

24 HEARING OFFICER ANDELA: That's it.

25 MR. SHANKMAN: I thought we had agreed that we would

1 brief that.

2 HEARING OFFICER ANDELA: Yes, we just always -- we're
3 directed to summarize. You don't have to. This is not a
4 closing argument.

5 MR. SHANKMAN: That's fine. I can.

6 HEARING OFFICER ANDELA: This is just a summary
7 basically to establish that the position is the same as it
8 was at the beginning of the hearing, and if that's all --

9 MR. SHANKMAN: Yes.

10 HEARING OFFICER ANDELA: -- you want to say, that's
11 fine.

12 MR. SHANKMAN: I can say more. I just don't think --
13 I'll let Petitioner go first since it's her situation.

14 MS. SIMON: With the understanding that we're filing
15 briefs --

16 MR. SHANKMAN: Um-hum.

17 MS. SIMON: -- we would simply say that the
18 petitioned-for unit shares a community of interest that is
19 sufficiently distinct from the employees excluded from the
20 petitioned-for unit to warrant a finding that the
21 petitioned-for unit of riggers and rigger supervisors
22 constitutes a separate, appropriate unit.

23 MR. SHANKMAN: It's the Employer's position that the
24 petitioned-for unit does not have an individual or distinct
25 community of interest from the AV technicians, the driver

1 technicians, the warehouse individuals or that the warehouse
2 employees, concierges, and the other -- the inventory
3 control specialists, I think that covers everybody, that
4 both in terms of interchange of work as well as integration
5 of operations, they have a shared community of interest, and
6 they would be the only appropriate unit that would involve
7 any riggers.

8 HEARING OFFICER ANDELA: And the total number of
9 employees in the unit sought is approximately 22 or 23?

10 MR. SHANKMAN: Correct.

11 HEARING OFFICER ANDELA: And the total number of
12 employees in the Employer's proposed unit is approximately?

13 MR. SHANKMAN: 575.

14 HEARING OFFICER ANDELA: And so, Petitioner, are there
15 any further witness or evidence which you wish to present?

16 MS. SIMON: Petitioner does not have any further witness
17 or evidence.

18 HEARING OFFICER ANDELA: Employer?

19 MR. SHANKMAN: No. Thank you.

20 HEARING OFFICER ANDELA: Petitioner, are there any
21 outstanding subpoena issues?

22 MS. SIMON: Our objection is on the record.

23 HEARING OFFICER ANDELA: And, Mr. Court Reporter, 2 3/4
24 days. Do you have an estimated page number?

25 COURT REPORTER: I wasn't --

1 HEARING OFFICER ANDELA: You weren't here the first 2
2 days.

3 COURT REPORTER: No, I don't.

4 MR. SHANKMAN: Given to how late we went yesterday, I
5 bet it's closer to 3 days equivalent. We went for roughly 7
6 hours yesterday.

7 HEARING OFFICER ANDELA: Without a break.

8 MR. SHANKMAN: Without a break. So we would agree to
9 round up.

10 HEARING OFFICER ANDELA: What was that?

11 MR. SHANKMAN: We would agree to round up.

12 HEARING OFFICER ANDELA: Typically, this is where we
13 would explore election details in the event the Regional
14 Director directs an election, but as we've discussed, the
15 Regional Director has approved of letting the parties set
16 those forth in their briefs.

17 And briefs are due on January 11th by direction of the
18 Regional Director.

19 MR. SHANKMAN: Just for record purposes, the court
20 reporter cannot identify at this point when we will get the
21 transcripts; is that correct?

22 HEARING OFFICER ANDELA: I think yes. I think not.

23 MR. SHANKMAN: That's all we need. Thank you.

24 HEARING OFFICER ANDELA: And, Mr. Shankman, can you
25 confirm on the record, in case it's -- the most recent

1 payroll ending date?

2 MR. SHANKMAN: To the modified petition dated December
3 7th?

4 HEARING OFFICER ANDELA: Before today.

5 MR. SHANKMAN: The most recent payroll ending date
6 before today. Pay period, not the pay date.

7 HEARING OFFICER ANDELA: Well, you said it's biweekly,
8 right?

9 MR. SHANKMAN: Well, it might. So it's December 9th.

10 HEARING OFFICER ANDELA: December 9th is what's on the
11 Statement of Position.

12 MR. SHANKMAN: Are you talking about the most recent
13 payroll end date prior to today?

14 HEARING OFFICER ANDELA: Yeah.

15 MR. SHANKMAN: It's still December 9th.

16 HEARING OFFICER ANDELA: Yeah, I guess we're not to the
17 25th yet.

18 MR. SHANKMAN: We're not 14 days yet.

19 HEARING OFFICER ANDELA: So if it was 2 weeks prior,
20 because it should have been before the 7th, let's just get
21 both those dates out there.

22 MR. SHANKMAN: Yeah.

23 HEARING OFFICER ANDELA: So 2 weeks before would be --

24 MR. SHANKMAN: It would be -- December 7th was the date,
25 then the one prior would be whatever that date is. I don't

1 remember. It would be November 25th. December 7th -- it
2 would be November 21st. Well, no, I'm sorry. It would be
3 November 25th. Sunday. It's the payroll ending date.

4 HEARING OFFICER ANDELA: And neither party has proposed
5 a non-default formula for part-time employees, correct? I
6 think we said --

7 MR. SHANKMAN: The default is *Davison-Paxon*.

8 HEARING OFFICER ANDELA: Yes.

9 MR. SHANKMAN: Yes.

10 MS. SIMON: Yes.

11 HEARING OFFICER ANDELA: And I will just say this part
12 to remind -- please be advised that the Employer does not
13 agree or permit -- or cannot permit the election to be held
14 at facilities where the employees work. The Regional
15 Director at his or her discretion may direct a mail ballot
16 or offsite election. But that's things you can address in
17 the brief.

18 Does any party anticipate the need for notices of
19 election and ballots, if applicable, to be translated?

20 MS. SIMON: No.

21 MR. SHANKMAN: No.

22 HEARING OFFICER ANDELA: In the event the Regional
23 Director directs an election, Mr. Shankman, we will ask you
24 to provide the name, address, email address, fax number, and
25 telephone number of the Employer's onsite representative to

1 whom the Regional Director should transmit the notice of
2 election.

3 MR. SHANKMAN: Okay.

4 HEARING OFFICER ANDELA: And for both parties, if an
5 election is directed, may the Region communicate with your
6 election observers regarding procedures and any issues that
7 arise during an election, the pre-election conference, and
8 the ballot?

9 MS. SIMON: Yes.

10 MR. SHANKMAN: I don't know of any reason why they can't
11 communicate with us.

12 HEARING OFFICER ANDELA: The only time I've ever
13 communicated with an observer is at the pre-election
14 conference.

15 MR. SHANKMAN: Right.

16 HEARING OFFICER ANDELA: And then during the election,
17 when you're not allowed to be there.

18 MR. SHANKMAN: Right.

19 HEARING OFFICER ANDELA: So I'm not sure if there's
20 anything --

21 MR. SHANKMAN: Well, then assuming that's the scope of
22 the communication, then, yes, I agree.

23 HEARING OFFICER ANDELA: The Regional Director will
24 issue a decision in this matter as soon as practical and
25 will immediately transmit the document to the parties and

1 their designated representatives by email, fax, or by
2 overnight mail, and that's if neither electronic address is
3 provided.

4 If an election is directed, the Employer must provide
5 the voter list to be timely filed and served. The list must
6 be received by the Regional Director and the parties named
7 in the direction within 2 business day after the issuance of
8 the direction, unless a longer period based on extraordinary
9 circumstances is specified in the Decision and Direction of
10 Election. A certificate of service on all parties must be
11 filed with the Regional Director when the voter list is
12 filed. The Region will no longer serve the voter list.

13 The Employer must submit the voter list in an electronic
14 format approved by the General Counsel unless the Employer
15 certifies that it does not have the capacity to produce the
16 list in the required format. The list must be filed in
17 common, everyday electronic file formats that can be
18 searched. Accordingly, unless otherwise agreed to by the
19 parties, the list must be provided in a table in a Microsoft
20 Word file or a file that is compatible with Microsoft Word.

21 The first column of the list must begin with each
22 employee's last name, and the list must be alphabetized,
23 overall or by department by last name. Because the list
24 will be used during the election, the font size must be the
25 equivalent of Times New Roman 10 or larger. A sample

1 optional form for the list is provided on the Agency's
2 website.

3 The Board has stated that it is presumptively
4 appropriate for the Employer to produce multiple versions of
5 the list where the data required is kept in separate
6 databases or files, so long as all the lists link the
7 information to the same employees, using the same names, in
8 the same order, and are provided within the allotted time.

9 If the Employer does provide multiple lists, the list
10 used at the election will be the list containing the
11 employees' names and addresses. The list must include the
12 full names, work locations, shifts, job classifications, and
13 contact information, which includes home address, available
14 personal email address, and available home and personal
15 cellular telephone numbers of all eligible voters.

16 The Employer must also include in a separate section of
17 that list the same information for those individuals the
18 parties have agreed will be permitted to vote subject to
19 challenge, or if the Regional Director designates other
20 employees to vote subject to challenge, they must be listed
21 separately.

22 The parties are reminded that they should request an
23 expedited copy of the transcript from the court reporter.
24 Late receipt of the transcript will not be grounds for an
25 extension of time to file briefs, if the Regional Director

1 has allowed post-hearing briefs.

2 MR. SHANKMAN: If I could just state for the record, we
3 were advised by the court reporter yesterday or day 1 that
4 no expedited transcripts are available.

5 HEARING OFFICER ANDELA: Duly noted.

6 And if there's nothing further, the hearing will be
7 closed.

8 **(No response.)**

9 HEARING OFFICER ANDELA: **Hearing no response, the**
10 **hearing is now closed.**

11 **(Whereupon, at 2:37 p.m., the hearing in the above-entitled**
12 **matter was closed.)**

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CERTIFICATION

1
2 This is to certify that the attached proceedings before
3 the National Labor Relations Board (NLRB), Region 5, in the
4 matter of **AUDIO VISUAL SERVICES GROUP, INC. d/b/a PSAV**
5 **PRESENTATION SERVICES**, Case No. **05-RC-232347**, at Washington,
6 D.C., on December 21, 2018, was held according to the
7 record, and that this is the original, complete, and true
8 and accurate transcript that has been compared to the
9 recording, at the hearing, that the exhibits are complete
10 and no exhibits received in evidence or in the rejected
11 exhibit files are missing.

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18 Dominico Quattrociochi
19 Court Reporter